

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

ANKENETH CORBIN,

PLAINTIFF

VS.

CASE NO. 4:23-CV-00516-JAR

BLACK JACK FIRE PROTECTION
DISTRICT and DAVID CALHOUN

DEFENDANTS

DEPOSITION OF ANKENETH CORBIN
TAKEN ON BEHALF OF THE DEFENDANTS
JANUARY 25, 2024

1 IT IS HEREBY STIPULATED AND AGREED, by and between
2 counsel for the Plaintiffs and counsel for the
3 Defendants, that the deposition of ANKENETH CORBIN
4 may be taken in shorthand by Pamela K. Needham,
5 Certified Court Reporter (IL 084-002247 and MO 505),
6 and afterwards transcribed into typewriting; and the
7 signature of the witness is reserved.

8 * * * * *

9 (On the record at 8:55 a.m.)

10 ANKENETH CORBIN,

11 of lawful age, produced, sworn, and examined on
12 behalf of the Defendants deposes and says:

13 EXAMINATION

14 QUESTIONS BY MR. ALLEN

15 Q. Good morning, sir, would you please
16 state your full name for the record?

17 A. **Ankeneth Corbin.**

18 Q. And for the court reporter, will you
19 please spell your first name?

20 A. **A-N-K-E-N-E-T-H.**

21 Q. Thank you, sir. Mr. Corbin, we've met
22 before, my name is John Allen, I represent the Black
23 Jack Fire Protection District and David Calhoun, the
24 defendants in this case which you've brought; you
25 understand that, right?

1 **A. I do.**

2 Q. Okay. We're here today to take your
3 deposition in this case. Have you ever been deposed
4 before?

5 **A. No, sir.**

6 Q. Okay. Couple ground rules. As you can
7 see, all of my questions and all of your answers are
8 being taken down by our court reporter; okay?

9 **A. Yes.**

10 Q. For that reason, you're doing a great
11 job, make sure you answer all of my questions out
12 loud; okay?

13 **A. Yes.**

14 Q. All right. Nodding heads, shaking heads
15 is hard for the court reporter to take down, so I
16 need to make sure that you answer all of my
17 questions out loud, is that okay?

18 **A. Okay.**

19 Q. All right. If you don't answer any --
20 or understand any of my questions rather, let me
21 know that, okay, sir?

22 **A. I will.**

23 Q. All right. If you answer any of my
24 questions, I'm going to assume that you understood
25 it, is that fair?

1 **A. That's fair.**

2 Q. All right. I mentioned before we went
3 on the record today that you could take a break at
4 any time, so just let me know if you need to take a
5 break, as long as there's no question pending, I'll
6 let you take that break, okay?

7 **A. Okay.**

8 Q. All right, thank you. Other than this
9 lawsuit, and other than the charges of
10 discrimination that you filed against the Black Jack
11 Fire Protection District, have you been involved in
12 any other lawsuits?

13 **A. Employment lawsuits or...**

14 Q. Any lawsuits.

15 **A. No, not that I recall, either as a**
16 **plaintiff or defendant.**

17 Q. And that's what I was going to ask;
18 you've never been sued in any other case?

19 **A. No.**

20 Q. And you've never been a plaintiff,
21 you've never sued anybody in any other case.

22 **A. No, sir.**

23 Q. What did you do to prepare for your
24 deposition this morning? And let me tell you that I
25 am not entitled to and I don't want to know about

1 the substance of your conversations with your
2 lawyer, but I want to know who you talked to and
3 what you did to prepare, outside of those
4 conversations?

5 **A. Spoke to my attorney.**

6 Q. Did you speak to anybody else?

7 **A. Maybe my mom and other people, just let**
8 **them know I was being deposed today.**

9 Q. Okay, what's your mom's name?

10 **A. Easter.**

11 Q. Is Corbin her last name?

12 **A. Warren. W-A-R-R-E-N.**

13 Q. Does she live here locally?

14 **A. Yes.**

15 Q. And I'm asking, and I'm going to ask you
16 a little bit more about family you might have in the
17 area, because if we go to trial in this case I want
18 to know if there are any people related to you who
19 might be called to the jury panel, so that's why I'm
20 asking those questions.

21 What did you talk to your mom about in
22 connection with the deposition?

23 **A. Just this morning I was heading to be**
24 **deposed.**

25 Q. Okay. Did you talk to your wife about

1 this deposition?

2 **A. I did.**

3 Q. Okay. What did you talk to your wife
4 about?

5 **A. That the deposition is the 25th.**

6 Q. Okay. Did you talk to anybody other
7 than your mom, your wife, and your attorney in
8 preparation for this deposition?

9 **A. No.**

10 Q. Did you review any documents, sir?

11 **A. I did.**

12 Q. What documents did you review?

13 **A. The documents that my attorney gave me
14 last night.**

15 Q. And what documents were those?

16 **A. 673 pages of documents that appeared to
17 be primarily insurance stuff. And also the
18 documents that I had submitted to the EEOC.**

19 Q. It sounds like these 673 or so pages of
20 primarily insurance stuff were the documents that
21 we've produced in this case; is that your
22 understanding?

23 **A. I'm not sure where they came from, I
24 just got an email saying that I hadn't seen them, I
25 didn't know who produced them.**

1 Q. Fair enough.

2 A. But some of the documents I produced.

3 Q. Okay. And then I was going to get to
4 that next, and some of those documents were the
5 documents that you submitted to the EEOC, is that
6 correct?

7 A. Yes, and the Fire District prior to the
8 EEOC.

9 Q. And we'll talk about that, I do
10 understand that actually some of the documents you
11 submitted to the EEOC were documents that you had
12 submitted to the Fire District, is that true?

13 A. Correct.

14 Q. All right. And just so we're clear on
15 the record today, when we talk about Fire District
16 or we talk about the District, you and I can agree
17 that we're talking about the Black Jack Fire
18 Protection District, correct?

19 A. Correct.

20 Q. All right. I just want to make sure
21 that we're clear and when we go back and look at the
22 record there's no confusion in that regard, is that
23 okay?

24 A. Yes.

25 Q. Okay, very good. Did you review all of

1 the 673 or so pages of documents that your attorney
2 had emailed to you?

3 **A. No, sir, I did not.**

4 Q. Probably didn't have the time, right?

5 **A. No, sir, I did not.**

6 Q. Prior to receiving those email -- or
7 those documents last night, had you ever seen them
8 before? And I am not talking about the documents
9 you submitted, I'm talking about the 673 pages of
10 documents.

11 **A. Being an administrator of the fire**
12 **department, I would assume that I had seen some of**
13 **them, but not in that detail.**

14 Q. And is it, is it fair to say, though,
15 that you hadn't seen them in connection with this
16 litigation, right? If you had seen any of those
17 documents, it would have been in the course and
18 scope of your job as an employee of the District; is
19 that fair to say?

20 **A. Correct.**

21 Q. All right. Are you on any medications,
22 sir?

23 **A. No, sir.**

24 Q. You're on no medications that would
25 impact your ability to testify truthfully here

1 today, correct?

2 **A. No, sir, not at all.**

3 Q. And are you aware of any other
4 circumstances that would prevent you from testifying
5 truthfully here today?

6 **A. No, sir.**

7 Q. Okay, good, thank you. When were you
8 born?

9 **A. [REDACTED] 1964.**

10 Q. All right, what's your Social Security
11 Number?

12 **A. Xxx-xx-1786.**

13 Q. I'm sorry, last four, please?

14 **A. 1786.**

15 Q. Thank you, sir. And where were you
16 born?

17 **A. St. Louis, Missouri, Homer G. Phillips
18 Hospital.**

19 Q. I take it you have a valid driver's
20 license?

21 **A. Yes, sir, I do.**

22 Q. Has that ever been suspended, revoked,
23 anything like that?

24 **A. No, sir, not that I can recall.**

25 Q. Do you have a CDL?

1 **A. No, sir.**

2 Q. Have you ever gone by any other names or
3 aliases? I know your full name is Ankeneth, I
4 understand that perhaps Ken?

5 **A. Yes.**

6 Q. Do you go by anything other than
7 Ankeneth or Ken?

8 **A. No, sir.**

9 Q. Where do you live, sir?

10 **A.**[REDACTED]
11 [REDACTED]

12 Q. And how do you spell that?

13 **A.**[REDACTED]

14 Q. In [REDACTED]?

15 **A. Correct.**

16 Q. What's the zip?

17 **A.**[REDACTED]

18 Q. Thank you, sir. How long have you lived
19 at that address?

20 **A. Between four and five years.**

21 Q. And where did you live before that, sir?

22 **A.**[REDACTED]

23 Q. How do you spell that?

24 **A.**[REDACTED] **common**
25 **spelling.**

1 Q. Is that in [REDACTED]?

2 A. Correct.

3 Q. Same zip?

4 A. [REDACTED]

5 Q. Thank you, and how long did you live at
6 that address?

7 A. Approximately three years.

8 Q. Who lives with you at the [REDACTED]
9 [REDACTED] address?

10 A. My wife.

11 Q. What's your wife's name?

12 A. Marikit, M-A-R-I-K-I-T, Villasis-Corbin.

13 Q. How do you spell Villasis?

14 A. V-I-L-L-A-S-I-S.

15 Q. Okay, does anybody else live there with
16 you?

17 A. My son.

18 Q. What's your son's name?

19 A. Akihiro A-K-I-H-I-R-O, Hermes,
20 H-E-R-M-E-S, Villasis-Corbin.

21 Q. How old is Akihiro?

22 A. Seven.

23 Q. Does anybody else live with you at that
24 address?

25 A. Yes.

1 Q. Who else?

2 A. His care taker, Andi, A-N-D-I, Arimon,
3 A-R-I-M-O-N.

4 Q. Does Akihiro have special needs?

5 A. He does.

6 Q. Okay. Does anybody else live with you
7 at that address?

8 A. Temporarily one of our employees.

9 Q. What is that employee's name?

10 A. I don't...

11 Q. And it's okay, and by the way, if
12 there's anything you don't remember, just tell me
13 that, I only want and am entitled to your best
14 recollection.

15 A. Thereese, T-H-E-R-E-E-S-E.

16 Q. And do you remember Thereese's last
17 name?

18 A. Navidad, N-A-V-I-D-A-D.

19 Q. And you said one of our employees. Do
20 you own a company?

21 A. My wife has a bake shop.

22 Q. Do you have an ownership interest in
23 that company?

24 A. No, sir.

25 Q. All right. So Thereese is employed by

1 your wife at the bake shop.

2 **A. Yes.**

3 Q. Okay. And what is the name of the bake
4 shop?

5 **A. Lapatisserie, L-A-P-A-T-I-S-S-E-R-I-E.**

6 Q. And again, you have no ownership
7 interest in that business.

8 **A. No, sir.**

9 Q. Anybody else living at your house with
10 you, other than the people you've just testified to?

11 **A. No, sir.**

12 Q. Do you have any other children other
13 than your son Akihiro?

14 **A. I do.**

15 Q. Okay. Tell me -- what are the names of
16 your other children?

17 **A. Taylor Corbin, T-A-Y-L-O-R.**

18 Q. How old is Taylor?

19 **A. 21 -- 20. She'll be 21 in March.**

20 Q. My daughter turns 21 in March. Where
21 does Taylor live?

22 **A. Primarily on campus at school at SIU-E,**
23 **Edwardsville.**

24 Q. Okay. Does she maintain a Missouri
25 residency, though?

1 **A. Correct.**

2 Q. Okay. And is that affiliated with your
3 home address or somebody else's?

4 **A. No, sir.**

5 Q. Okay.

6 **A. Her mother's.**

7 Q. And what is that address, if you know?

8 **A. I don't.**

9 Q. Okay.

10 **A. They moved recently.**

11 Q. Okay. What is her mother's name?

12 **A. Brenda Davis, B-R-E-N-D-A, Davis.**

13 Q. Were you married to Brenda?

14 **A. No, sir.**

15 Q. And by the way, how long have you been
16 married to Marikit?

17 **A. Approximately ten years.**

18 Q. And were you married before that?

19 **A. No, sir.**

20 Q. Any other children other than Akihiro
21 and Taylor?

22 **A. Jeremy Corbin.**

23 Q. How old is Jeremy?

24 **A. 29.**

25 Q. Where does Jeremy live?

1 **A. O'Fallon Fire Protection District.**

2 Q. And how long were you Deputy Chief?

3 **A. Approximately six to seven years, until**
4 **I went to Black Jack.**

5 Q. All right, and so now I understand that
6 you found out that Black Jack around that time was
7 looking for somebody to be hired as Assistant Fire
8 Chief, is that correct?

9 **A. Correct.**

10 Q. All right, and how did you find out
11 about that opening?

12 **A. Just through various training meetings**
13 **and... I'm not sure if it was advertised in the**
14 **paper, but just through word of mouth.**

15 Q. Who was the Chief at that time?

16 **A. The Chief where?**

17 Q. At Black Jack.

18 **A. Michael Gantner.**

19 Q. Tell us about the application process to
20 Black Jack. Did you submit a written application?

21 **A. I did.**

22 Q. What else did you submit to Black Jack?

23 **A. I don't remember at that time, just**
24 **whatever was required, I don't remember if they**
25 **requested a resume or anything of that nature, I**

1 **just remember that and the interview process.**

2 Q. All right, so you do remember that you
3 submitted a written application, you don't remember
4 if you submitted anything else in writing, correct?

5 **A. Correct.**

6 Q. But you do recall the interview process,
7 so tell, tell us about that, please, what was the
8 interview process.

9 **A. As best I can recall, just my experience**
10 **as a Chief Officer, maybe a couple of questions**
11 **relative to management styles and problem solving.**

12 Q. Who did you meet with during the
13 interview process?

14 **A. I remember the three board of directors.**

15 Q. Who were the three board of directors at
16 that time?

17 **A. Sylvester Taylor, Randy Adler, and**
18 **Kenneth Schmalbeck, S-C-H-M-A-L-B-E-C-K.**

19 Q. And for the record, what year was that
20 in that you went through the interview process, the
21 hiring process at Black Jack?

22 **A. As best I can recall, the same year that**
23 **I got hired, either in 2009 or '10.**

24 Q. What I show is November 3rd of 2010,
25 that's at least what you had alleged in the

1 petition; does that sound right, sir?

2 **A. Correct.**

3 Q. Okay. Did you meet with Chief Gantner
4 in connection with the interview process?

5 **A. I'm sure I did at some point. I don't**
6 **believe he interviewed me personally.**

7 Q. Okay, so the only interviews you recall
8 were with the three board of directors.

9 **A. I don't remember if the attorney would**
10 **have been there or not at that particular time.**

11 Q. The attorney for the District?

12 **A. Correct.**

13 Q. Do you recall who the attorney for the
14 District was at that time?

15 **A. Daniel Bruntrager.**

16 Q. Okay. Do you recall ever meeting with
17 Mr. Bruntrager in connection with the interview
18 process?

19 **A. I do not.**

20 Q. To your understanding, did the three
21 directors, Sylvester Taylor, Randy Adler and Kenneth
22 Schmalbeck, make the unanimous decision to hire you?

23 **A. I don't remember if it was unanimous, I**
24 **can't remember that.**

25 Q. In any event, you were hired as the

1 Q. How long were you Assistant Fire Chief
2 for the Black Jack Fire Protection District?

3 A. Approximately six years until the
4 retirement of Michael Gantner.

5 Q. And at that time were you promoted to
6 Fire Chief?

7 A. I was.

8 Q. What was the process for you to be
9 promoted to Fire Chief after the retirement of Chief
10 Gantner?

11 A. There was an interview process.

12 Q. Who did you interview with?

13 A. The Board of Directors.

14 Q. Who was the Board of Directors at that
15 time?

16 A. David Calhoun, Randy Adler, and Kenneth
17 Schmalbeck.

18 Q. Did you interview with the three of them
19 together, or separately?

20 A. Together.

21 Q. Do you recall that interview, sir?

22 A. No, sir, not particularly.

23 Q. Do you recall how long that interview
24 lasted?

25 A. No, sir, I do not.

1 **A. Not specifically, I would imagine 2012**
2 **to 2014.**

3 Q. Do you know if the Board of Directors
4 voted unanimously to promote you to Fire Chief?

5 **A. I do not.**

6 **(Deposition Exhibit Number A marked for**
7 **identification.)**

8 Q (By Mr. Allen) I'm going to hand you what
9 I have marked as Defendant's Exhibit A, and I'd ask
10 you to take a look at that document, and let me know
11 when you're ready, please.

12 (Witness peruses document.)

13 THE WITNESS: Okay.

14 Q (By Mr. Allen) Are you familiar with that
15 document, sir?

16 **A. I am.**

17 Q. You've seen that before?

18 **A. I have.**

19 Q. And what is that document that's been
20 marked as Defendant's Exhibit A?

21 **A. It is a copy of the agreement for the**
22 **Fire Chief, pay, benefits, and compensation.**

23 Q. All right. And the title of the
24 document is Resolution Number 20-02, is that
25 correct?

1 **A. It is.**

2 Q. Do you understand this to be a
3 resolution that was adopted unanimously by the Board
4 of Directors on January 14 of 2020, is that correct?

5 **A. Correct.**

6 Q. Okay. I want to ask you about the job
7 description that begins on Page 3 under Number 8.
8 Do you see that, sir?

9 **A. 3, Number --**

10 Q. Page 3 of 5.

11 **A. 3 of 5, okay.**

12 Q. And there's Number 8 at the top, do you
13 see that, sir?

14 **A. Correct, I do.**

15 Q. Okay. Were you involved in preparing
16 this job description?

17 **A. I was.**

18 Q. All right, did you actually prepare this
19 job description?

20 **A. With District Counsel Daniel J.**
21 **Bruntrager.**

22 Q. Okay. And what was the process? Did
23 you write it, send it to him; did he write it, send
24 it to you? How did that work, if you recall?

25 **A. I primarily sent the majority of it to**

1 him and he tweaked it or modified it.

2 Q. Does this job description set forth your
3 job description the entire time you were Fire Chief
4 at the Black Jack Fire Protection District?

5 A. I would say that those are the primary
6 responsibilities, there were probably things that
7 would arise from time to time that aren't included
8 in there that would fall upon my scope of authority.

9 Q. Was part of your job duties as Chief at
10 the Black Jack Fire Protection District to be
11 present at the firehouse?

12 A. Correct.

13 Q. And how often were you expected to be at
14 the firehouse?

15 A. How often?

16 Q. Yes, sir.

17 A. You'll have to rephrase the question,
18 the job also requires me to be in the community and
19 attending other meetings and other things, so I'm
20 not sure I understand the question.

21 Q. Okay. So we can, we can kind of divide
22 it up in that fashion.

23 A. Okay.

24 Q. And you can answer in that way. What
25 I'm trying to figure out and what I'm entitled to

1 know is what is your understanding about how often
2 you were required to be in the firehouse, as opposed
3 to out in the community, and we can divide it up, if
4 you want to tell me percentage of time, that's fine.

5 **A. I don't have a percentage, it would be**
6 **as required.**

7 Q. Okay, what was required then?

8 **A. As stated in the job description, my job**
9 **was to also listen to the community, respond to**
10 **their concerns and address their needs and concerns.**

11 Q. I understand that. So in your
12 experience then how often were you at the firehouse
13 versus out in the community helping the community?

14 **A. I wouldn't have a specific answer. As**
15 **needed.**

16 Q. Did you ever tell the administrative
17 staff at the firehouse to let you know when the
18 Board of Directors were coming in so that you could
19 make sure you were in the firehouse?

20 **A. No.**

21 Q. You had an office in the firehouse,
22 correct?

23 **A. Correct.**

24 Q. And that firehouse is located where?

25 **A. 5675 North Highway 67.**

1 Q. We'll talk about this a little bit
2 later, but your office also had places for mailboxes
3 for other people, correct?

4 A. Correct.

5 Q. Including the directors?

6 A. Correct.

7 Q. So the directors, of course, had reason
8 to be in that office, correct?

9 MR. HACKNEY: Object to form.

10 Q (By Mr. Allen) The directors could go get
11 their mail from that office.

12 A. (Nods affirmatively.)

13 Q. Correct?

14 A. They could go anywhere, which is
15 irregular.

16 Q. It would be irregular for a director
17 into go into that office to get his mail?

18 A. It is irregular for fire chiefs -- for
19 directors to go into the Fire Chief's office; it is.
20 In other districts it's not done.

21 Q. All right, I'm asking about Black Jack.

22 A. Okay.

23 Q. All right, and you told me that the
24 directors have their mailboxes in that office.

25 A. I did.

1 Q. All right. So would you agree with me
2 that it's not unusual for a director to go into that
3 office to get his mail?

4 A. It's not.

5 Q. Okay. Would other people have occasion
6 to go in that office?

7 A. They would.

8 Q. Okay. And who would those people be,
9 and why would they go to the office?

10 A. The administrative secretaries who
11 retrieve documents, or other employees with
12 questions or recommendations or meetings, counseling
13 employees, or things of that nature.

14 Q. All right, so Board of Directors would
15 be in there, not unusual to get their mail, the
16 administrative staff would be in there, not unusual
17 for them to be in there, correct?

18 A. No, sir.

19 Q. All right. And other employees, it
20 wouldn't be unusual for other employees to be in
21 that office.

22 A. Correct.

23 Q. And just to be clear, you don't have an
24 estimate for us, as you sit here today, as to the
25 amount of time you actually spent in the, in the

1 correct?

2 **A. I agree that all three signed it, I**
3 **don't know if on vote if it was unanimous, as I**
4 **stated earlier.**

5 Q. In any event, you agree that all three
6 signed this resolution.

7 **A. That I do.**

8 Q. All right. And this resolution also
9 gave you pay raises actually going backwards to
10 2019, is that correct?

11 **A. Correct.**

12 Q. All right. So now I want to turn our
13 attention to your allegations in this case, and what
14 I, what I am going to try to do and I'm going to try
15 to be as efficient as possible is get the factual
16 basis for the allegations made. I understand you're
17 working with your lawyer, your lawyer makes some
18 legal arguments, right, but there is a factual
19 basis, there has to be a factual basis for those
20 legal arguments, right? So now what I want to try
21 to do is get into that factual basis. Fair?

22 **A. Yeah.**

23 MR. HACKNEY: Is this a good window of
24 time for a five-minute break?

25 MR. ALLEN: It is, yes.

1 showing you my laptop that has my file that includes
2 what I believe to be the documents produced by your
3 lawyer in this case, all right? And I'm, this is
4 how they appear, the first one I'm going to open is
5 a recording, I don't even know if it's audio or
6 video, but I'm going to open this up, and you and I
7 will see this together. Do you see this, this is
8 a --

9 **A. I do.**

10 Q. Well, tell us for the record what this
11 is?

12 **A. That is a video of Director David**
13 **Calhoun in my office going through the drawers in my**
14 **office.**

15 Q. And the dated stamp, I'm going to replay
16 it, I'll replay it as many times as you like, the
17 data stamp on this video is August 21st, 2022; do
18 you see that?

19 **A. I do.**

20 Q. And it indicates 9:40 in the morning; do
21 you see that?

22 **A. I do.**

23 Q. Do you have any reason to dispute that
24 this video was taken August 21st, 2022, at 9:40 in
25 the morning?

1 **A. I have no reason to dispute that if**
2 **that's what's on the...**

3 Q. And how -- did you position the
4 recording device that was used here?

5 **A. I did.**

6 Q. What kind of recording device?

7 **A. Wyze.**

8 Q. How do you spell that?

9 **A. W-Y-Z-E.**

10 Q. Do you have that device now?

11 **A. It's at home.**

12 Q. Can you produce that for us?

13 **A. I can.**

14 MR. HACKNEY: Well, I, subject to any
15 objections we might have to producing the Wyze.

16 Q (By Mr. Allen) Well, did you use that
17 device to record anything other than your office?

18 THE WITNESS: No.

19 Q. Okay.

20 **A. Oh. That device is, Wyze has a set of**
21 **cameras, I use it for my home, I basically took the**
22 **Wyze device that set up like in the basement, in the**
23 **man cave and brought it.**

24 Q. So I have no interest in your recordings
25 at home.

1 **A. Okay.**

2 Q. But I do want every single recording
3 from the office. So, you know, we can talk about
4 how best to produce it.

5 **A. Yeah.**

6 Q. But I do want that. So... and you put
7 that camera in the office for the purpose of
8 recording Director Calhoun?

9 **A. No.**

10 Q. Why did you put it in the office?

11 **A. For the purpose of finding out who was**
12 **removing items, moving items around, and also for**
13 **protection, it's a security camera. Mr. Calhoun had**
14 **become so hostile and verbally abusive, and after**
15 **multiple attempts to the Board to gain some type of**
16 **I guess resolution...**

17 Q. Where in the office are the mailboxes
18 for the directors?

19 **A. Over there against that wall by the file**
20 **cabinets.**

21 Q. Over by the file cabinets?

22 **A. Right there, where his back is turned.**

23 Q. And I'll replay it.

24 **A. Yeah.**

25 Q. There's, I see also a printer over here.

1 Was that a communal printer to be used by --

2 **A. No, sir.**

3 Q. -- other people?

4 **A. No, sir.**

5 Q. No?

6 **A. No, sir.**

7 Q. Okay. So the directors would come in,
8 you said the administrators would come into the
9 office and others would come into this office, as
10 well, correct?

11 **A. Correct.**

12 Q. Okay. I'm showing to you another video
13 that's been produced in this case, this one is date
14 stamped 9-18-2022; do you see that, sir?

15 **A. Correct.**

16 Q. And is this video from a camera that you
17 placed?

18 **A. Correct.**

19 Q. This is from a different angle, correct?

20 **A. Correct.**

21 Q. Is this a separate camera?

22 **A. Same camera.**

23 Q. Did you move the camera?

24 **A. I did.**

25 Q. Okay, how often would you move this

1 camera?

2 **A. There was not a particular time**
3 **schedule. The first place -- the first position**
4 **that the camera was is where you saw that angle. It**
5 **didn't give a vantage point to see what was being**
6 **moved or taken or what, planted or whatever may be**
7 **the case, so I moved it to get a better position of**
8 **what was taking place in my office on weekends.**

9 Q. When I look at these videos, I don't, I
10 see Director Calhoun taking pictures, but I don't
11 see him taking anything; do you see him taking
12 anything?

13 **A. Not, no.**

14 Q. Okay. Do you have video of Director
15 Calhoun ever taking anything from your office?

16 **A. I do not.**

17 Q. Okay. When did you first install this
18 Wyze camera in this office?

19 **A. About approximately that same time you**
20 **see that.**

21 Q. How much other video is available on
22 that camera? Of the office.

23 **A. There's only videos of Mr. David Calhoun**
24 **in those incidents.**

25 Q. Did you delete everything else?

1 Q. The next thing listed here on Black Jack
2 Fire is retirement plans. Do you see that?

3 A. Correct.

4 Q. And it's my understanding that part of
5 your, at least part of your age discrimination claim
6 relates to the fact that Director Calhoun would make
7 comments and ask you about when you were retiring,
8 is that correct?

9 A. Correct.

10 Q. All right, would anybody else have those
11 conversations with you?

12 A. No.

13 Q. How old are you?

14 A. I'm 59.

15 Q. Do you know how old Director Calhoun is?

16 A. I do not.

17 Q. So nobody else other than Director
18 Calhoun made comments about when your retirement
19 was; true?

20 A. No, sir.

21 Q. You state here you're being blamed by
22 firefighters for the Board's decision not to extend
23 the retirement age past 60, and I've seen
24 discussions about this in your petition and other
25 places. What is your position with respect to why

1 were made were only grooming Mr. Calhoun and the
2 other two Board of Directors to teach me to be more
3 submissive.

4 Q. Did Director Calhoun ever use the N word
5 towards you?

6 A. He did not.

7 Q. Did Director Calhoun ever make any sort
8 of racial comment whatsoever to you?

9 A. He did not.

10 Q. Okay.

11 A. Only that: You think you can do what
12 the F you want to do around here.

13 Q. That makes no reference to race, does
14 it?

15 A. It doesn't make to race, but the Board,
16 when making reference to making statements like:
17 You're getting too big for your britches. He had
18 witnessed it enough, you know, slaves wore britches,
19 and --

20 Q. Who -- I'm sorry to interrupt, go ahead
21 and finish?

22 A. Randy Adler, you know.

23 Q. Okay, and so let's be clear about that.
24 Randy Adler was not a member of the Board at the
25 time you were terminated, correct?

1 **A. He was not.**

2 Q. When was Randy Adler last a member of
3 the Board of Directors?

4 **A. 20... would that have been 18?**

5 Q. And I can check, I'm only asking for
6 your best --

7 **A. Yeah, no problem, no problem.**

8 Q. -- your best knowledge. Now you haven't
9 named Mr. Adler as a defendant in this case, you
10 have named Mr., Director Calhoun.

11 **A. Yeah.**

12 Q. Correct?

13 **A. Correct.**

14 Q. Director Schmalbeck was one of the
15 directors at the time of your termination, correct?

16 **A. Correct.**

17 Q. Did he ever use the N word?

18 **A. No. He didn't object either.**

19 Q. Well, that wasn't my question, my
20 question was --

21 **A. Okay.**

22 Q. -- did he ever use the N word.

23 **A. No, he did not.**

24 Q. Did he ever make any comments to you
25 about your race?

1 **A. No.**

2 Q. The other director who was there and
3 voted unanimously to terminate your employment was
4 director that Orlanda Smith. He's also African
5 American, correct?

6 **A. Okay.**

7 Q. Correct?

8 **A. Correct.**

9 Q. Did Director Smith ever make any
10 comments about your race?

11 **A. No, he did not.**

12 Q. Did Director Smith ever use the N word?

13 **A. Not that I'm aware of, not in my
14 presence, not towards me.**

15 Q. So it sounds like the primary basis for
16 your race discrimination claim are these comments
17 made by Director Adler sometime prior then to 2018?

18 MR. HACKNEY: Object to form.

19 Q (By Mr. Allen) Is that correct?

20 THE WITNESS: The point I was trying to
21 make that black-on-black crime and these type of
22 African American men taking out racism on other
23 African American men is as old as slavery, there's
24 no legal basis for it that I could call, but it does
25 happen.

1 A. Michael Gantner.

2 Q. In what ways was Chief Gantner treated
3 differently than you?

4 A. Mr. Gantner's separation of the fire
5 department, he was paid 100 percent of all his
6 accumulated sick time and vacation days.

7 Q. Was he terminated for cause?

8 A. He was not.

9 Q. In terms of how he was treated...
10 treated differently than you.

11 A. In terms of his ability to attend
12 training, the level of scrutiny and things that he
13 was allowed to do. He was also given extra vacation
14 days every year, and mine remained the same for
15 approximately 16 years. When he left he was pretty
16 much allowed to carry over vacation days and do
17 whatever he pleased; I was not allowed to do that.

18 Q. Did he have more seniority than you?

19 A. My seniority was the same rank.

20 Q. Right.

21 A. He was the Fire Chief and I was the Fire
22 Chief.

23 Q. But had he been a chief longer than you?

24 A. He has, but when you refer to the
25 Collective Bargaining Unit as you have, our

1 the Board refuses to converse with me, and I didn't
2 want to be caught in the middle, I needed an
3 employment contract so if things went south, I
4 wouldn't just get thrown under the bus, because
5 things were getting missed.

6 Q. Were you sending these letters to
7 leverage an employment contract?

8 A. No. No. I was sending these letters
9 because everyone in the Fire District, the employees
10 or in the Bargaining Unit, including the Battalion
11 Chief, which is irregular, most fire districts don't
12 have chief officers that are battalion chiefs in the
13 Bargaining Unit, but I was allowed to participate.
14 The Fire Chief and the Assistant Chief were the only
15 two people not protected by some type of agreement.
16 Because of the success that the firefighters had
17 experienced and where we went financially, and how
18 we'd grown, they also encouraged me to get a
19 contract to protect us. I had never asked for one
20 before, I had been there approximately all those
21 years and had never asked for one, I just hoped that
22 my body of work would be sufficient.

23 Q. When did you first ask for a contract?

24 A. Pretty much at the time you see that
25 one.

1 Q. That one referring to the Resolution?

2 A. Correct.

3 Q. Okay.

4 A. Just prior to.

5 Q. So the Resolution --

6 A. 2002.

7 Q. It's dated January 14, 2020.

8 A. Okay. Yeah, 2020.

9 Q. Okay, so not long before that would have
10 been the first time you asked for an employment
11 contract.

12 A. Prior to that I approached the Board
13 about an employment contract. It was put off
14 because I believe at the same time they were working
15 on the Bargaining Unit's new contract, it was about
16 time for that to expire, I also felt like the
17 previous Resolution included the Chief, the Fire
18 Chief and the administrative secretaries. I
19 encouraged the Board that the Fire Chief's pay and
20 benefits should be separate, so should the Assistant
21 Chief, and so should the administrative secretaries.

22 Q. And to be clear, you refer to this as a
23 contract, but really what this is is a Resolution,
24 it's a one-party Resolution setting forth certain
25 pay and other benefits and your job duties, right?

1 multiple, but all of them pretty much state the same
2 thing, that discrimination, intimidation,
3 threatening and bullying would not be tolerated. I
4 also said that leaving it on my desk is not
5 addressing the problem, and I also said: This is
6 just clearly an effort to protect Mr. Calhoun,
7 because Mr. Smith had stated this was primarily in
8 reference to, about the vehicle and complaining
9 about, you know, Mr. Calhoun, so he should have
10 recused himself. And I reminded him that they were
11 present in other meetings to where they became
12 hostile, and no one would say a word, not the Board
13 of Directors, not the attorney who was present and
14 witnessed this, he would just let it go on.

15 Q. And again, Director Calhoun, who is an
16 African American, has never made any comments to you
17 about your race. Ever. True?

18 A. Not that I recall.

19 Q. Black Jack Fire 42. Will you identify
20 that document for the record, please?

21 A. This is the initial... or I should say
22 one of the initial complaints dating back to 2017,
23 and the first complaint I believe that was filed
24 with the Board against Mr. Calhoun in a board
25 meeting. And, you know, once again, the cursing and

1 the intimidation and the things that took place.

2 Q. So that was going to be my first
3 question, was that your first written complaint to
4 the Board, the one that appears at Black Jack Fire
5 42?

6 A. I label it as a formal complaint, I
7 don't know if it was the first, but I believe this
8 was the first time that I went in such great detail
9 explaining the irregularities and the things that
10 were taking place.

11 Q. And that was going to be my next
12 question, because these are lengthy, they go into
13 great detail. When you submitted this document to
14 the Board of Directors on October 17th, 2017, is it
15 safe to say that this touched on all the complaints
16 you had as of that date? As of October 17 of 2017.

17 A. No, it's not. As I said before, this is
18 the most detailed and probably one of the larger
19 complaints and the most relevant.

20 Q. What was not included in that letter
21 dated October 17 of 2017? If you can recall.

22 A. Reminding them of the previous
23 conversations that we would have in the board
24 meetings about responsibility and professionalism,
25 and things that can and cannot be said in board

1 WITNESS SIGNATURE PAGE

2 STATE OF)

3 COUNTY OF)

4

5 I, ANKENETH CORBIN, do hereby certify:

6 That I have read the foregoing statement;

7 that I have made such changes in form and/or

8 substance to the within statement as might be

9 necessary to render the same true and correct;

10 That having made such changes thereon, I

11 hereby subscribe my name to the statement.

12 I declare under penalty of perjury that the

13 foregoing is true and correct.

14

15

ANKENETH CORBIN

16

17 Executed this day of

18 2024, at

19

20 My Commission expires:

21

22

Notary Public

23

24

25

KEN CORBIN

vs.

CASE NO. 4:23-cv-00516-JAR

**BLACK JACK FIRE PROTECTION DISTRICT AND DAVID
CALHOUN, IN HIS INDIVIDUAL CAPACITY**

DEPOSITION OF KENNETH SCHMALBECK

Taken February 28, 2024

CONFIDENTIAL TRANSCRIPT

REPORTED BY KELLY L. GUILLIAMS, CCR

WROCKLAGE REPORTING, LLC

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467 Brookfield Drive

Washington, MO 63090

(314) 249-4376 or (314) 210-6917

KENNETH SCHMALBECK - 2/28/2024

1 accurately?

2 A No.

3 Q And you understand you're under oath;
4 correct?

5 A Yes.

6 Q And that you have the obligation to tell
7 the truth just like if you were in court; correct?

8 A Correct.

9 Q And if you say you don't remember
10 something when in fact you do remember something,
11 that would be deceitful; correct?

12 A Yes, sir.

13 Q Okay. And did you do anything to prepare
14 for this deposition today?

15 A Not really.

16 Q Did you look at any documents?

17 A No.

18 Q You meet with attorneys?

19 A Yes.

20 Q Okay. When did you meet with your
21 counsel?

22 A Was that Friday? Thursday, Friday. Last
23 week.

24 Q And were you involved in collecting or
25 providing documents in response to a request for

KENNETH SCHMALBECK - 2/28/2024

1 production in this case?

2 A No.

3 Q By whom are you currently employed?

4 A I am retired.

5 Q And what did you retire from?

6 A Boeing Company.

7 Q And what was your role with Boeing?

8 A I was a contract administrator.

9 Q And how long was your career at Boeing?

10 A Thirty-three years.

11 Q And when did you retire?

12 A September the 22nd, 2009.

13 Q Congratulations. And then what's your
14 educational background?

15 A I have a Bachelor's of Arts Degree in
16 business administration/economics.

17 Q Where did you get that degree from?

18 A University of La Verne.

19 Q Wisconsin?

20 A La Verne, California.

21 Q Very good. And do you currently hold a
22 role on the board -- well, let me back up. Have you
23 ever held a role on the board for the Black Jack
24 Fire District?

25 A Yes.

KENNETH SCHMALBECK - 2/28/2024

1 Q And what was that role?

2 A Director and firefighter.

3 Q And when did you first become affiliated
4 with Black Jack Fire District?

5 A November 24th, 1980.

6 Q Very good. Was that as a firefighter?

7 A Yes.

8 Q And was that paid or volunteer?

9 A It was what they called auxiliary, which
10 is kind of a little less than a volunteer, but more
11 than a citizen.

12 Q Very good. And how long did you do that
13 for?

14 A Six years and four months.

15 Q And did -- were you provided -- had you
16 ever worked as a firefighter before that?

17 A No.

18 Q Did the district provide training?

19 A Yes.

20 Q And then when did you become elected to
21 the board?

22 A In April of 1987.

23 Q And you remained on the board until when?

24 A April of 2023.

25 Q And when you left, was that -- was that

KENNETH SCHMALBECK - 2/28/2024

1 voluntarily?

2 A Yes.

3 Q Did you just decide to retire from the
4 position?

5 A Yes, sir.

6 Q And during that time period from April '87
7 to April '23, there were elections every six years,
8 am I right about that?

9 A That is correct.

10 Q And you prevailed in all of those
11 elections?

12 A Some of the elections, I was the only
13 candidate, and under Missouri law, I didn't have to
14 have an election, but yes.

15 Q Occasionally, you were opposed?

16 A Occasionally, I was opposed, occasionally,
17 I was not.

18 Q And were you ever opposed by someone who
19 worked for the district?

20 A No.

21 Q Did it ever upset you that you were being
22 opposed in an election?

23 A No.

24 Q It's certainly to be expected; correct,
25 that you might be opposed?

KENNETH SCHMALBECK - 2/28/2024

1 A That's why you have elections, because you
2 have people voting different ways.

3 Q Of course. And what was your compensation
4 for serving on the board at the time you retired in
5 April of '23, if you recall?

6 A Say that again.

7 Q Yeah. So what was your compensation for
8 serving on the board at the time you retired?

9 A By state law, it was limited to \$10,600 a
10 year.

11 Q And then did you also receive benefits
12 with that?

13 A Not really.

14 Q No health insurance?

15 A I'm too old.

16 Q Gotcha. And how old are you?

17 A Seventy-nine.

18 Q What's your date of birth?

19 A [REDACTED]. Let's not get me too old.

20 Q Hey, you're younger than Mick Jagger.

21 A Everybody's younger than that.

22 Q And did you ever have health insurance
23 through the board?

24 A No.

25 Q Did other board members do you know?

KENNETH SCHMALBECK - 2/28/2024

1 A Yes.

2 Q Who had health insurance?

3 A Don't know.

4 Q But you just know someone did?

5 A I know they did, and I know it's legal.

6 Q And for the last let's say four years of
7 your term, you served with Orlando Smith and David
8 Calhoun; correct?

9 A I'm trying to remember. When did Orlando
10 come on?

11 Q My -- my belief --

12 A About four years ago. Yeah, that's about
13 right.

14 Q Okay. And Orlando was the last member to
15 join of that trio of --

16 A Yes.

17 Q Yeah. And who was there before Orlando?

18 A Randy Adler.

19 Q And why did Randy Adler leave?

20 A Don't know whether he had any reasons.

21 Q And when did you become acquainted with my
22 client, Ken Corbin?

23 A During the process of hiring him as the
24 Assistant Chief.

25 Q And do you remember about when that was?

KENNETH SCHMALBECK - 2/28/2024

1 A No, sir.

2 Q And do you remember if you recommended his
3 hire?

4 A Highly.

5 Q When you say "highly," why do you say
6 "highly"?

7 A Because I liked him as one of the best
8 candidates we had for the position.

9 Q And did his -- he was eventually promoted
10 to Chief from Assistant Chief; correct?

11 A Yes, sir.

12 Q So I -- can I deduct from that that his
13 performance as Assistant Chief was as positive as
14 you would have expected?

15 A Yes.

16 Q And was he promoted to Chief in about
17 2015, does that sound right?

18 A Yeah, about.

19 Q Okay. What do you remember about that
20 process?

21 A I'm not sure what you're asking.

22 Q I mean do you remember if there were
23 interviews?

24 A No, I don't think so. The board knew he
25 was the Assistant Chief, and we were satisfied with

KENNETH SCHMALBECK - 2/28/2024

1 his performance at that point.

2 Q And who was the Chief prior to Chief
3 Corbin?

4 A Mike Gantner, Michael Gantner.

5 Q And did Mr. Gantner retire?

6 A Yes, he did.

7 Q And do you remember his age at retirement?

8 A Sixty.

9 Q And did he retire due to the mandatory
10 retirement age in effect?

11 A Yes.

12 Q And is that -- that mandatory retirement
13 age, that's 60 years old; correct?

14 A Yes, sir.

15 Q And is that in effect for all fire
16 district employees?

17 A Black Jack Fire District employees, yes.

18 Q Yes. Does that even include
19 administrative staff, if you know?

20 A I don't remember.

21 Q And do you remember any discussions with
22 Chief Gantner about keeping him on longer, extending
23 the mandatory retirement age for him?

24 A I don't think we talked to him about that.

25 Q Is it possible there were discussions?

KENNETH SCHMALBECK - 2/28/2024

1 Q So are these pretty typical exemplars of
2 how the vacation and holiday pay buyback would
3 typically work at retirement?

4 A Yes.

5 Q And these are unsigned, but typically, at
6 least one member of the board would sign off on
7 these, would that be fair to say?

8 A Yes.

9 Q And has looking at this document refreshed
10 your recollection at all about Chief Gantner, if he
11 might have got a similar --

12 A I would expect that he would have gotten a
13 similar one, we do that for our retirees, because
14 that's how it's authorized. All bills are
15 authorized by the board.

16 Q And this payout, it's pretty routine; fair
17 to say?

18 A Oh, yeah.

19 Q And Chief Corbin was ultimately
20 terminated; correct?

21 A Yes, sir.

22 Q And he was not offered this buyout;
23 correct?

24 A Right.

25 Q Was that because he was terminated?

KENNETH SCHMALBECK - 2/28/2024

1 A Yes.

2 Q And is it reasonable to assume that had he
3 reached retirement age and retired, he would have
4 gotten this -- this buyback?

5 A He would have.

6 Q And was Chief Corbin's compensation
7 changed at some point during his term that you
8 recall?

9 A Yes.

10 Q What do you remember about that?

11 A He requested that we look at it, because
12 he wanted -- he felt that he deserved something in
13 relation to the market, and we reviewed it and
14 determined that he was correct and changed it,
15 changed his salary, which, by the way, also changed
16 every year. Normally, it was in -- in the document
17 for more than one year. We usually didn't write
18 them up for a single year at a time.

19 Q But would it be something comparable to
20 cost of living type increases year to year?

21 A I wouldn't call them that, but yeah,
22 similar.

23 Q And do you remember what the numbers were
24 or the dates were when that --

25 A No.

KENNETH SCHMALBECK - 2/28/2024

1 Q Okay. But my understanding is that --
2 that prior to the end of 2022, that Chief Corbin was
3 never put on a performance plan; correct?

4 A Do what? Say it again.

5 Q Yeah. Chief Corbin was never put on a
6 performance improvement plan; correct --

7 A No.

8 Q -- prior to the fall of 2022? And prior
9 to the fall of 2022, Chief Corbin was never issued
10 any formal discipline; correct?

11 A That's correct.

12 Q And can you remember if he was ever
13 verbally counseled about his job performance prior
14 to the end of 2022?

15 A We would talk to him about it to some
16 extent.

17 Q Do you remember any of those
18 conversations?

19 A No, sir.

20 Q Is there anything that sticks out in your
21 mind as a big issue?

22 A No.

23 Q And prior to late 2022, do you remember --
24 do you recall any conversations between you and
25 other board members about potentially replacing

KENNETH SCHMALBECK - 2/28/2024

1 Chief Corbin?

2 A No.

3 Q And Chief Corbin raised a number of -- and
4 I'll provide you more details, but generally
5 speaking, Chief Corbin raised a number of complaints
6 with the board during the term of his employment, is
7 that fair to say?

8 A Yes.

9 Q And did that concern, irritate, or bother
10 either you or the other board members that you
11 recall?

12 A No.

13 Q And he continued raising various issues up
14 until the time he was suspended, is that fair to
15 say?

16 A Yes.

17 Q And the issues he complained of, do you
18 remember him complaining about race discrimination?

19 A Yes.

20 Q And do you remember him complaining about
21 potential malfeasance with respect to a vehicle
22 purchase?

23 A No.

24 Q Or the selling of a vehicle to David
25 Calhoun instead of -- at a below market rate, do you

KENNETH SCHMALBECK - 2/28/2024

1 separate progressive discipline policy for
2 supervisory employees?

3 A Not really.

4 Q And would you agree that progressive
5 discipline is usually a good policy for an
6 organization to follow?

7 MR. ALLEN: Objection, form. You can
8 answer.

9 A Is it a good policy. I don't know.

10 Q (By Mr. Hackney) But the board tried to
11 follow progressive discipline where appropriate,
12 would that be fair to say?

13 A Yes.

14 Q Why was Chief Corbin fired?

15 A My opinion, I had a reduced level of trust
16 in his actions.

17 Q And when you say "his actions," does that
18 include some of these things he was bringing up --

19 A No.

20 Q -- as far as complaints?

21 A No. He's allowed complaints. How else
22 will I know if something's going on?

23 Q So what do you mean by that?

24 A I mean that I've -- there seemed to have
25 been a reduction in his desire to give us

KENNETH SCHMALBECK - 2/28/2024

1 information and keep us informed.

2 Q Can you think of any examples of that?

3 A No, sir.

4 Q And can you think of any other examples of
5 his actions that gave you concern?

6 A No, not really.

7 Q And is your -- your testimony about the
8 reason for Chief Corbin's termination, was that, as
9 far as your vote goes, that you had lost faith in
10 him?

11 A That would be a way of saying it, yes.

12 Q I'm going to show you what's been
13 previously marked as Plaintiff's 9. Have you seen
14 this document before?

15 A Yes.

16 Q What are we looking at?

17 A We're looking at the letter that we
18 prepared for his -- to notify him of his
19 termination.

20 Q And I'll represent to you that in prior
21 depositions, we've determined that the date of
22 December 18th, 2023 at the top, that that is
23 incorrect. Is that consistent with your memory?

24 A Yes.

25 Q And would the likely date of this letter

KENNETH SCHMALBECK - 2/28/2024

1 MR. ALLEN: Objection, form. You can
2 answer.

3 A Not that I can remember.

4 Q (By Mr. Hackney) Was any discipline short
5 of termination considered that you recall?

6 A No.

7 Q Did Director Smith seem reluctant to fire
8 Chief Corbin?

9 A We were all reluctant to fire Chief
10 Corbin.

11 Q Did -- of the three of you, was any one of
12 you more I'll say gung-ho about the termination than
13 the other two?

14 MR. ALLEN: Objection, form. Answer if
15 you can.

16 A You're asking, of course, that I tell you
17 how I think somebody else was doing and you're only
18 asking my opinion, and I'm saying no, there was
19 nobody that was more eager than the others, because
20 none of us were.

21 MR. HACKNEY: You want to do a short
22 break?

23 MR. ALLEN: Yeah.

24 (Thereupon, a brief recess was taken.)

25 Q (By Mr. Hackney) Mr. Schmalbeck, you were

KENNETH SCHMALBECK - 2/28/2024

1 A Secretaries.

2 Q Speaking of which, did any secretaries
3 ever make any complaints about David Calhoun's
4 misconduct?

5 A Not that I'm aware of.

6 MR. ALLEN: And I'm going to object to the
7 form of that question. Subject to that, you can
8 answer.

9 A Not that I'm aware of.

10 Q (By Mr. Hackney) And in the body of this
11 charge, do you see Mr. Calhoun's name referenced a
12 few times?

13 A I do.

14 Q And is it your understanding that -- or
15 let me ask it this way. Was it ever explained to
16 you by Chief Corbin or anyone else that Chief Corbin
17 had put a camera in his office to record David
18 Calhoun?

19 A No.

20 Q Did you ever see images of David Calhoun
21 in Chief Corbin's office?

22 A Yes.

23 Q When did you see those?

24 A When Chief Corbin showed me.

25 Q When was that?

KENNETH SCHMALBECK - 2/28/2024

1 A I'm thinking September, October, I don't
2 remember for sure, of '22.

3 Q And earlier I believe you testified that
4 the first time you had knowledge of a camera was in
5 late December of '22, do you remember that?

6 A Yes.

7 Q So is that not quite accurate, that you
8 had some knowledge before then?

9 A No, that is absolutely accurate.

10 MR. ALLEN: Hang on, hang on. I'm going
11 to object to the form of the question. Subject to
12 that, you can answer.

13 A Almost all of the computers in that office
14 had cameras for purposes of Zoom meetings, because
15 we were in COVID, and most of our meetings were held
16 by Zoom. The camera we're talking about was
17 unknown.

18 Q (By Mr. Hackney) Okay. Were Zoom meetings
19 sometimes recorded?

20 A Only to transmit, not -- not to retain.
21 No -- no record copies were ever made.

22 Q But temporary copies were made?

23 A No. The only thing the cameras were used
24 for was to use the Zoom software to transmit the
25 signal to somebody else. If somebody else recorded

KENNETH SCHMALBECK - 2/28/2024

1 Q Okay. And does this help refresh your
2 recollection about what might have been discussed on
3 November 16th?

4 A No.

5 Q And this letter is addressed to Chief
6 Corbin; correct?

7 A Correct.

8 Q Do you know how it was delivered to him?

9 A No.

10 Q And this references bringing a third-party
11 representative to the meeting; correct?

12 A Yes.

13 Q Does that suggest that there -- that this
14 is a disciplinary meeting?

15 MR. ALLEN: Objection, form. Answer if
16 you can.

17 A Cannot.

18 Q (By Mr. Hackney) Do you remember what
19 happened on December 6?

20 A Pretty much.

21 Q What do you remember about that meeting?

22 A Well, I remember that the Chief was -- did
23 not bring a representative with him as his choice
24 was made to not do that and that we started to ask
25 some questions with regard to some things that had

KENNETH SCHMALBECK - 2/28/2024

1 been going on in the district, the specifics, I
2 don't know which, and the meeting proved to be
3 fruitless.

4 Q In what way?

5 A No answers.

6 Q And was the camera a topic of discussion?

7 A We didn't know about the camera until late
8 December.

9 Q Or the recording I should say, recording
10 of David Calhoun or anyone else, was that a topic of
11 conversation?

12 A Very likely.

13 Q Did Mr. Bruntrager speak at this meeting
14 on December 6th?

15 A Yes.

16 Q Do you remember anything that he said?

17 A Not any of the details, no.

18 Q Did you ever overhear Mr. Bruntrager
19 discourage Chief Corbin from pursuing any charges of
20 discrimination?

21 A No.

22 Q Did he ever -- strike that. Do you
23 remember whose idea it was to suspend Ken Corbin?

24 A Mine.

25 Q And do you remember when you made that

KENNETH SCHMALBECK - 2/28/2024

1 decision?

2 A At the meeting.

3 Q At that same meeting we were just talking
4 about?

5 A The one in December or late December when
6 we actually issued the suspension.

7 Q And what was the reason you suggested
8 suspension?

9 A There was a lot of discussion with regard
10 to the next actions we were going to take, and the
11 most logical thing was to have the Chief not in the
12 building. But under no circumstances did I want to
13 suffer his -- his financial position, so I suggested
14 that we do it with -- with full pay.

15 Q And what conduct was the cause of the
16 suspension?

17 A The fact that we had had the situation and
18 done December 6th and still didn't have any answers,
19 and we had the situation with the pictures of the
20 taping, videotaping of people in the office, which
21 was a normal thing to happen, I'd go in on weekends,
22 because that's where our mailboxes are. So if we
23 wanted to get our mail, we had to go in there.

24 Q And when you say no answers were given in
25 that December 6 meeting, answers to what, what

KENNETH SCHMALBECK - 2/28/2024

WITNESS SIGNATURE PAGE

I, ORLANDO SMITH, hereby acknowledge that I
have read the foregoing transcript of my deposition
testimony, given on the 28th day of February, 2024,
by affixing my signature hereto.

KENNETH SCHMALBECK

Subscribed and sworn to before me this _____
day of _____, A.D., 2024.

MY COMMISSION EXPIRES: _____

Notary Public, within and for
the State of Missouri

KEN CORBIN

vs.

CASE NO. 4:23-cv-00516-JAR

**BLACK JACK FIRE PROTECTION DISTRICT AND DAVID
CALHOUN, IN HIS INDIVIDUAL CAPACITY**

DEPOSITION OF DAVID CALHOUN

Taken February 22, 2024

CONFIDENTIAL TRANSCRIPT

REPORTED BY KELLY L. GUILLIAMS, CCR

WROCKLAGE REPORTING, LLC

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467 Brookfield Drive

Washington, MO 63090

(314) 249-4376 or (314) 210-6917

DAVID CALHOUN - 2/22/2024

1 background?

2 A A Bachelor's of Science in education.

3 Q And where did you get that degree from?

4 A Central State University, Wilberforce,
5 Ohio.

6 Q What year did you graduate?

7 A Summer of '92.

8 Q And do you have any certifications or
9 licenses with respect to your trade?

10 A Yes, sir.

11 Q What do you have?

12 A I'm a licensed welder, certified welder,
13 certified in medical gas, certified backflow, have
14 license to work in St. Louis City and St. Louis
15 County. I also have nuclear clearance by the
16 Nuclear Regulation Committee.

17 Q And what are your -- do you have some
18 relationship with the Black Jack Fire District?

19 A I'm a board of director.

20 Q And what does that mean?

21 A We oversee the district as far as
22 finances.

23 Q And how did you come to hold that
24 position?

25 A I was appointed.

DAVID CALHOUN - 2/22/2024

1 Q Who appointed you?

2 A Randy Adler and Ken Schmalbeck.

3 Q When did that happen?

4 A February 2011.

5 Q And do you remember how you first became
6 aware of the opportunity?

7 A Yeah, I was at a North County Labor Club
8 meeting.

9 Q And what happened at that meeting?

10 A Sylvester Taylor said he was stepping
11 down.

12 Q And Sylvester Taylor, that was a board
13 member --

14 A Yes.

15 Q -- prior to you? Okay. Do you know why
16 he stepped down?

17 A He became a state rep.

18 Q And so was there a interview process that
19 you went through do you recall?

20 A Yes.

21 Q Describe that for me, if you would.

22 A I was going to the meetings and they
23 observed me, the two current board of directors and
24 the shop steward. Those guys interviewed me.

25 Q And you've never worked as a firefighter;

DAVID CALHOUN - 2/22/2024

1 similar to the Chief's responsibilities; correct?

2 A Correct.

3 Q And so there's been one termination that
4 you recall. Can you recall any time that the board
5 has had to impose discipline on anyone besides
6 Mr. Corbin?

7 MR. ALLEN: Are you talking about only
8 during the period of time he's been on the board?

9 MR. HACKNEY: Correct.

10 A Not off the top of my head, Jeff.

11 Q (By Mr. Hackney) Okay. And prior to
12 Mr. Corbin's termination, do you recall if he was
13 ever subjected to any sort of discipline?

14 MR. ALLEN: Objection, form. You can
15 answer.

16 A No, sir.

17 Q (By Mr. Hackney) Do you know if there's
18 any kind of policy -- when I say "progressive
19 discipline," do you understand what that means?

20 A Kind of.

21 Q And I'll sort of define how I'm using it,
22 which is that you have disciplinary steps leading up
23 to termination, and that might take the form of a
24 verbal warning, a written warning. Do you know of
25 any kind of progressive discipline, as I'm talking

DAVID CALHOUN - 2/22/2024

1 Q And 2010, that would be before you were on
2 the board; is that right?

3 A Yes, sir.

4 Q So what was your involvement in that?

5 A I was attending the meetings.

6 Q And why were you attending the meetings?

7 A In anticipation of trying to become a
8 board of director.

9 Q Gotcha. So you were attending, but you
10 didn't participate in that; fair to say?

11 A Yes, sir, fair to say.

12 Q And would you characterize your
13 relationship at that time with Ken as cordial,
14 friendly?

15 A Yes.

16 Q And do you remember when Ken was made
17 Chief?

18 A I think it was late 2010. Don't know
19 exactly what month.

20 Q And I believe it was more --

21 A No, not Chief, he was -- no, he became
22 Chief probably in 2015. I don't know what -- I
23 think June, May or June, something like that.

24 Q Okay. And how did he come to be appointed
25 Chief?

DAVID CALHOUN - 2/22/2024

1 A Three directors appointed him unanimously.

2 Q Were there any other candidates
3 considered?

4 A Yes.

5 Q Do you remember who any of those were?

6 A Keith Goldstein.

7 Q And who's Keith Goldstein?

8 A He was a Battalion Chief at the time.

9 Q And what's your understanding as to what
10 the responsibilities of the Chief are?

11 A They run the fire service day-to-day
12 operation.

13 Q And what does that entail?

14 A Running the day-to-day operation, making
15 sure everything goes smooth.

16 Q And does the Chief have concern -- any
17 budgetary responsibilities?

18 A Yes.

19 Q What are those?

20 A He oversees the budget of the district.

21 Q Do you have any understanding as to how
22 Chief Corbin performed with respect to the budget
23 over his term as Chief?

24 MR. ALLEN: Objection, form. You can
25 answer.

DAVID CALHOUN - 2/22/2024

1 Q But you don't remember who that was that
2 said that?

3 A Yes, sir, I remember.

4 Q Who's that?

5 A Ken Corbin recommended that I get on the
6 insurance.

7 Q And do you remember the context in which
8 that came up, do you remember anything else about
9 that conversation?

10 A No, sir.

11 Q Okay. Do you remember any discussions
12 with Ken about whether the insurance be -- that you
13 were taking advantage of through the board, whether
14 it was appropriate or whether it was ethical, do you
15 remember any conversations about that?

16 A Yes, sir.

17 Q Tell me about that.

18 A Well, when he got mad at me, that's when
19 it became unethical.

20 Q When did he get mad at you?

21 A When I didn't go by his rules.

22 Q What time frame are we talking about?

23 A Probably from the time I became a board
24 member, 2011, to 2017.

25 Q So did your relationship with Ken

DAVID CALHOUN - 2/22/2024

1 deteriorate around 2017, is that fair to say?

2 A Yes.

3 Q And is your testimony that that was
4 because you weren't following his rules, did I -- am
5 I understanding that right?

6 A Yes.

7 Q What rules are you referencing there?

8 A The things that I was seeing that he was
9 doing and I was telling him about it, he didn't like
10 that.

11 Q Okay. Was that -- were you criticizing
12 his job performance, what are we talking about?

13 A His absentee.

14 Q And tell me more about that.

15 A Absentee.

16 Q And so he was -- he was missing too many
17 days of work; is that right?

18 A Yes, sir.

19 Q And how many days was he missing?

20 A A lot.

21 Q Do you know why he was missing days?

22 A I can speculate, but no, I don't know why.

23 Q Did he tell you why he was missing days?

24 A No, sir.

25 Q Did he -- did he deny that he was missing

DAVID CALHOUN - 2/22/2024

1 Q And do you remember the -- any responses
2 that you got or the types of responses?

3 A Yes.

4 Q Tell me about that.

5 A At home with his kid.

6 Q And did you ask Chief Corbin if he was
7 home with his kid?

8 A No, sir.

9 Q And Chief Corbin has a child with autism;
10 correct?

11 A Yes, sir.

12 Q And is your understanding that it was
13 because his child required additional care that he
14 was away sometimes?

15 A No, sir.

16 Q Do you have any understanding about why he
17 would simply stay home?

18 A No, sir.

19 Q And so if I understand, the deterioration
20 in your relationship between you and Chief Corbin in
21 2017 that we talked about earlier, that that turned
22 upon -- just for sake of clarity, that turned upon
23 you confronting him about being away too much;
24 correct?

25 MR. ALLEN: Objection, form. You can

DAVID CALHOUN - 2/22/2024

1 answer.

2 A There was other reasons why too.

3 Q (By Mr. Hackney) What are some other
4 reasons?

5 A Because I challenged him on him using a
6 district credit card to buy his lunch every day and
7 doing various things like that.

8 Q And what's the policy on using a district
9 card to pay for lunch?

10 A Ethical is a policy, Jeff. We know right
11 from wrong.

12 Q Is there anything in writing about card
13 use?

14 A No, sir.

15 Q And what did Chief Corbin say when you
16 confronted him about the card use for lunch?

17 A I never said nothing to him about it at
18 that particular time.

19 Q Did you ever say anything to him?

20 A We talked about it later on in his office
21 just talking about other stuff.

22 Q Do you know when that was?

23 A No, sir.

24 Q In roughly 2020, did Chief Corbin's
25 compensation change?

DAVID CALHOUN - 2/22/2024

1 A I'm not sure when it changed, Jeff. I
2 want to say that sounds about right.

3 Q And his compensation went up at that time?

4 A If it changed, it had to go up, yes, sir.

5 Q Do you remember the numbers, what he was
6 making before, what he was making after?

7 A No, sir.

8 Q But you had conversations with Chief
9 Corbin about that compensation issue; correct,
10 around that time in 2020?

11 A Don't remember.

12 Q It's possible you did?

13 A I'm not sure, don't remember.

14 Q Do you ever remember telling him that he
15 wasn't going to get a contract?

16 A No, sir.

17 Q Did you vote on whether he -- Chief Corbin
18 should get a pay raise or not?

19 A Yes, sir.

20 Q What was your vote?

21 A Yes, unanimous.

22 Q Okay. So even though he was -- according
23 to your testimony had excessive absenteeism, you
24 voted to raise his pay; correct?

25 A Yes, sir.

DAVID CALHOUN - 2/22/2024

1 Q And even though he was, according to your
2 testimony, inappropriately using a credit card, you
3 voted to increase his compensation; correct?

4 A Yes, sir.

5 Q Okay. Why is that?

6 A Thought it was the right thing to do.

7 Q You felt he deserved it?

8 A Yes, sir.

9 Q Okay. I'm going to show you what I'm
10 going to mark as Plaintiff's 1. Have you ever seen
11 this document before?

12 A Yes, sir.

13 Q What are we looking at here?

14 MR. ALLEN: I'll just object to the form,
15 calls for speculation. Answer to the extent you
16 can.

17 A A Charge of Discrimination document.

18 Q (By Mr. Hackney) Was this filed by
19 Mr. Corbin?

20 MR. ALLEN: Objection, form, calls for
21 speculation. Answer if you can.

22 A That's his name up here, yes, sir.

23 Q (By Mr. Hackney) And in your duty -- and
24 this -- the lower left-hand corner, it indicates
25 this was filed July 26, 2019; correct?

DAVID CALHOUN - 2/22/2024

1 A Yes.

2 Q And in your duties as a board member, did
3 you become aware of this charge in 20 -- in the year
4 2019?

5 A Yes.

6 Q And there was discussion among the board
7 members regarding this charge; correct?

8 A It was attorney/client privilege, sir.

9 Q What do you mean by that?

10 A I'm not allowed to talk on that, sir.

11 Q Okay. Are you saying that you discussed
12 this charge with counsel for the district?

13 MR. ALLEN: And let me just be clear about
14 this. I'll allow you to answer that question. I do
15 not want you to answer any questions that require
16 you to divulge communications with your attorney,
17 but you can answer that question.

18 A Can you repeat that?

19 Q (By Mr. Hackney) Sure. So are you telling
20 me that the discussions you had about this charge
21 were with counsel for the board, counsel for the
22 district?

23 A Both.

24 Q And were there also discussions about this
25 charge among the board members without counsel

DAVID CALHOUN - 2/22/2024

1 Q Okay. And you testified earlier you were
2 never interviewed about the allegations in the
3 letter; correct?

4 A I want to correct that. I was
5 interviewed, I just don't remember what the
6 interview was about.

7 Q Okay. So you don't remember what the
8 interview was about, but you were interviewed. Can
9 you elaborate?

10 A I remember the subject, but I don't
11 remember every word that was said, that was between
12 the client and I -- I mean our attorney and I. I
13 was interviewed about it though, yes, Jeff.

14 Q And Mr. Bruntrager interviewed you?

15 A Yes.

16 Q And do you have any further recollection
17 of that interview?

18 A No, sir.

19 Q Do you know -- do you know if any --
20 strike that. Do you know anything else that was
21 done with regard to investigation of the allegations
22 in the letter?

23 A I can't recall.

24 Q Okay. When's the first -- at some point
25 along this timeline, prior to Chief Corbin's

DAVID CALHOUN - 2/22/2024

1 termination in December of 2022, was there -- do you
2 recall any discussion about needing to get a new
3 Chief or look for a new Chief?

4 A No, sir.

5 Q The topic never came up?

6 A Not with me, sir.

7 Q Okay. I'm going to hand you what I've
8 marked as Plaintiff's 5. Have you ever seen this
9 document before?

10 A Yes, I have.

11 Q And what is this?

12 A Charge of Discrimination.

13 Q And this was filed by Mr. Corbin?

14 A Chief Corbin.

15 Q Okay. And the date indicates July 19th,
16 2022 in the lower left-hand corner?

17 A Yes.

18 Q Do you remember when you first saw this?

19 A It had to be around the date that it was
20 mailed to us I think.

21 Q And could that have been August of '22?

22 A I can't recall, Jeff.

23 Q And when this was received in the mail,
24 what discussions do you remember about it?

25 A We got our attorney involved.

DAVID CALHOUN - 2/22/2024

1 Q And have you seen this before today?

2 A Yes.

3 Q Do you remember when you saw this?

4 A No, sir.

5 Q Would it -- would it have been mailed --
6 would you have seen it when it was mailed to the
7 board by the EEOC?

8 A Yes.

9 Q Okay. And so that would likely have been
10 in the late summer, early fall of 2022; correct?

11 A Yes.

12 Q And this charge alleges that -- if you
13 look at the third sentence, it says, "Since filing
14 my charge, Mr. Calhoun has been showing various
15 employees my original charge at the station,
16 petitioning firefighters to file a vote of no
17 confidence against me to get me fired." Did I read
18 that correctly?

19 A Yes.

20 Q And did you show Chief Corbin's original
21 charge, Plaintiff's 5, to anyone?

22 A No.

23 Q And were you ever asked if that was true?

24 A Asked if what was true?

25 Q In other words, was this allegation

DAVID CALHOUN - 2/22/2024

1 pipefitter, I'm a firefighter. I don't know your
2 job, you don't know my job." That's exact words
3 quote unquote. I said, "Well, help me learn your
4 job."

5 Q When was that conversation?

6 A Back in 2016, 2017, 2018, 2019, 2020,
7 2021, 2022.

8 Q So it's your testimony that he said -- he
9 made comments to the effect of "I'm a firefighter,
10 you're a pipefitter" repeatedly?

11 A Yes, every time.

12 Q Okay. When did you become aware -- well,
13 let me establish a foundation. Did you become aware
14 at a certain point in time that Chief Corbin had a
15 camera in his office?

16 A Maybe it was the Tuesday before a board
17 meeting.

18 Q Do you remember what -- you know, what
19 month we're talking about?

20 A Not offhand.

21 Q Or --

22 A So if -- that picture you got, what's the
23 date on that picture you got?

24 Q Yeah, and I'll go ahead and make this an
25 exhibit, which I think I'm up to 8.

DAVID CALHOUN - 2/22/2024

1 I noticed that's what that was.

2 Q Okay. So --

3 A The only reason why I can tell you what
4 that is, because I can see the lines on there, and
5 that look like one of the sheets we have for the
6 guy's name and address on it, their phone number.
7 I'm not a hundred percent sure, but that's what that
8 looks like to me, Jeff.

9 Q Gotcha. So looking at the date, does that
10 help refresh your recollection any about when you
11 might have found out Chief Corbin had a camera?

12 A Probably it was around October. This is
13 September. It probably was around October.

14 Q Okay. And how did you feel -- well, let
15 me back up. How did you find that out?

16 A I got a phone call at work.

17 Q From who?

18 A From a citizen, Addington Stewart, who
19 Chief Corbin called prior.

20 Q And what did Addington Stewart say?

21 A That he just got a phone call from Ken
22 saying that I was in his office rifling through his
23 drawer, I was on the other side stealing out of the
24 closet where the guys keep their things at like
25 water, juice, sugar, and all that thing.

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1 And I said, "What?" And the way it was
2 explained to him was I broke in his office. I don't
3 know if that's how he got the story, but that's how
4 he explained it to me, so yeah.

5 Q Okay. And what was your reaction to
6 hearing this?

7 A I said, "That's not true." I said, "Yeah,
8 I was in his office, but I didn't rifle through his
9 drawers."

10 Q And after that call -- how long did that
11 call last, do you know?

12 A Probably about five or 10 minutes.

13 Q Have you told me everything significant
14 that you remember about that call?

15 A Well, Addington just reprimanded me, he
16 reamed me, because he said if I'm living in a glass
17 house throwing stones, I need to be held accountable
18 if I'm in there taking stuff. I said, "Taking
19 what?" He said, "If you in there stealing stuff out
20 of that firehouse, you need to be held accountable
21 for that."

22 Q And after that call, what did you do?

23 A Well, during the call, I said, "I'm not
24 stealing anything in there." I said, "I want them
25 to prove that I was stealing something." He said,

DAVID CALHOUN - 2/22/2024

1 any rule about cameras in offices; correct?

2 MR. ALLEN: The answer to your question
3 was "I don't know."

4 A I don't know.

5 Q (By Mr. Hackney) You don't know if you can
6 or not?

7 A Yes, I don't know if you can or not.

8 Q So you might -- you might be able to
9 identify a rule right now, you're just not sure if
10 you can or not?

11 A I couldn't answer that.

12 MR. ALLEN: Objection, form. Answer if
13 you can.

14 A I can't answer that, Jeff, I don't know
15 the answer to that one.

16 Q (By Mr. Hackney) Let me try it this way.
17 You cannot cite any -- any rule about having a
18 camera in an office; correct, yes or no?

19 A No, I can't.

20 Q Okay. Thank you. Who made the decision
21 to fire Ken Corbin?

22 A That was determined by the board.

23 Q And it was a three to nothing vote;
24 correct?

25 A Yes, sir.

DAVID CALHOUN - 2/22/2024

1 other things, you to return certain property
2 belonging to the district you had received during
3 your employment." Did I read that correctly?

4 A Yes.

5 Q Okay. What is that referring to?

6 A I want to say it's electronic devices.

7 Q And why was Chief Corbin asked to return
8 those things?

9 A So it could be investigated.

10 Q And was this a disciplinary suspension, is
11 that the context he was asked to return them?

12 A Yes.

13 Q And why was he under a disciplinary
14 suspension?

15 A To investigate the issue with the cameras.

16 Q And that's the only reason he was on
17 disciplinary suspension; correct?

18 A Yes.

19 Q And what was he asked to hand back?

20 A All electronic devices.

21 Q And what electronic devices did he have?

22 A Cell phones, computers, laptops.

23 Q Do you know how many?

24 A Many cell phones, a couple computers.

25 Q Who told Chief Corbin he was being put on

DAVID CALHOUN - 2/22/2024

1 A Yes and no.

2 Q Well, didn't -- so he returned at least
3 some things, but the belief of the board was that it
4 wasn't everything, am I understanding that
5 correctly?

6 A Yes, it wasn't everything.

7 Q Okay. But as you sit here, you're not
8 able to identify what was missing; correct?

9 A Cell phone was missing.

10 Q And he had -- you testified that he had
11 multiple cell phones?

12 A Yes, sir.

13 Q How many cell phones did he return?

14 A He returned one.

15 Q And how many more were there?

16 A He still was using his communication
17 device.

18 Q What does that mean?

19 A He still had access to call you, and we
20 had a phone in our possession, so it wasn't the
21 phone that he was using that he turned in.

22 Q So it's your understanding that Chief
23 Corbin, every phone he had was property of the
24 district, that he didn't have a personal phone that
25 was just his?

DAVID CALHOUN - 2/22/2024

1 A Yes, sir.

2 Q Okay. And is this in reference to a
3 pending FMLA request that Chief Corbin was pursuing?

4 A I'm not sure, sir.

5 Q Do you know what this is in reference to?

6 A Not directly, but -- not right offhand.

7 Q Was this a -- was this one of the reasons
8 why Chief Corbin was fired?

9 MR. ALLEN: Objection, form, but answer if
10 you can.

11 A No, sir.

12 Q (By Mr. Hackney) Okay. So are the two
13 reason -- was Chief Corbin fired for two reasons,
14 and those being having a camera in his office and
15 not handing over in the board's belief all his
16 devices when asked to do so, are those the two
17 reasons why Chief Corbin was fired?

18 A Yes.

19 Q Has anyone else to your knowledge while
20 you've been on the board ever been placed under
21 disciplinary suspension?

22 A No, sir.

23 Q The board considered the possibility that
24 Chief Corbin's camera might have something to do
25 with his charges; correct?

DAVID CALHOUN - 2/22/2024

1 observed firefighters taking videos on their phone
2 at work; correct?

3 A No, sir.

4 Q You've never seen them take a video of
5 training?

6 A I haven't.

7 Q Okay. Or take photographs in the
8 workplace, you've never seen that?

9 A No, sir.

10 Q Is taking a photograph at work, is that
11 something someone would be disciplined for?

12 A Not to my knowledge.

13 Q Okay. Was there an electronic sweep done
14 of the premises looking for surveillance devices?

15 A Yes, sir.

16 Q Tell me about that.

17 A I wasn't part of that investigation, but
18 there was one done.

19 Q Okay. And the result of that was that
20 they did not find any recording devices; correct?

21 A That's not true.

22 Q What did they find?

23 A They found recording devices in there.

24 Q What kind of devices?

25 A I don't know exactly what they were, but

DAVID CALHOUN - 2/22/2024

1 that's a serious decision; correct?

2 A Yes, sir.

3 Q And it should be taken with the utmost
4 care and due diligence; correct?

5 A Yes, sir.

6 Q And everything should be taken into
7 consideration; correct?

8 A Yes, sir.

9 Q But as you sit here today, you cannot
10 recall details about what this sweep found in terms
11 of recording devices; correct?

12 A No, we couldn't.

13 Q So you couldn't what?

14 A We couldn't determine what was recorded.

15 Q Okay. So the results of the sweep were
16 really inconclusive; fair to say?

17 A Yes, because we couldn't find out what was
18 recorded, yes.

19 Q And have you made any attempt to
20 communicate with Ken Corbin's family, his wife,
21 after his termination?

22 A No, sir.

23 Q Okay. I think that's all I have subject
24 to any Recross. Do you have anything?

25 MR. ALLEN: I have nothing, and we will

DAVID CALHOUN - 2/22/2024

WITNESS SIGNATURE PAGE

I, DAVID CALHOUN, hereby acknowledge that I
have read the foregoing transcript of my deposition
testimony, given on the 22nd day of February, 2024,
by affixing my signature hereto.

DAVID CALHOUN

Subscribed and sworn to before me this _____
day of _____, A.D., 2024.

MY COMMISSION EXPIRES: _____

Notary Public, within and for
the State of Missouri

CONFIDENTIAL

BLACK JACK FIRE PROTECTION DISTRICT

Board of Directors

Randolph E. Adler, *President*
David Calhoun, *Secretary*
Kenneth G. Schmalbeck, *Treasurer*

Fire Chief

Ankeneth Corbin
Assistant Fire Chief
Roger A. Ellison

A.C.

Battalion Chiefs

David P. Schmidt
Thomas Torminio
David J. Parker

October 17, 2017

To: Board of Directors

I Ankeneth Corbin Fire Chief of the Black Jack Fire Protection District am filing a formal complaint with the Board of Directors of the Fire District, specifically against Board Secretary David Calhoun. Mr. David Calhoun has created a hostile work environment for me by his continuous display of the threatening, intimidating and abusive language towards me, the other board members and the employee group. Mr. Calhoun's recent outburst and repeated interference with the daily operations of this fire district has created a cause for concern among staff, myself, and employees of the Fire district and some of our vendors.

Mr. Calhoun's most recent verbal attack and rant took place at the closed session with meeting on October 10, 2017 while discussing the hiring of a full time administrative assistant.

After I had responded to several questions pertaining to the hiring of the full-time administrative assistant in a professional manner, Mr. Calhoun stated that we don't need no two full-time secretaries here. That's is what's wrong with this Fucking place, we got five people sittin over here on this side doing shit.

To which I replied, which five people are you talking about?

Mr. Calhoun stated I don't need to name them.

So, I asked again. What five people are you talking about?

Again Mr. Calhoun again refused to name the individuals stating that he did not have to name them, and asked If I had a guilty conscious?

To which I replied no, but if you're stating that there are five employees on the administration side that don't do anything, either you're saying that I'm one of the individuals, or that there are five employees under my supervision that don't do their jobs.

This conversation carried on for several exchanges and ultimately ended in Mr. Calhoun telling me that I was barking up the wrong tree.

I replied that I was not Barking. Board chairman Randy Adler spoke out and ask both parties to calm down.

EXHIBIT 4

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My attempt to establish and maintain a professional working relationship with Mr. Calhoun have proven to be futile. Mr. Calhoun's frequent visits to the fire houses and the solicitation of opinions from individuals pertaining to operational procedures who are not part of the management staff are highly irregular by a Board of Director and counterproductive. These frequent visits to the stations have presented multiple challenging obstacles in the day-to-day operation of the fire district.

One example would be Mr. Calhoun calling me after business hours in the late evening to discuss staffing and stations assignments for the following year. He mentioned moving two specific employees from house number two, because they been stationed there for multiple years and he feels that they are hiding.

I explained to Mr. Calhoun that this was an operational issue, and that in a meeting with the Chief Officers and the Assistant Chief of Operations, the capabilities of those individuals had been taken into consideration when discussing the upcoming assignments and rotation. I explained to Mr. Calhoun that operational issues are usually left to the discretion of the Fire Chief and the Assistant Chief.

This Conversation left me with a feeling of discomfort and confused as to why a director would specifically ask about two individuals and insist they be moved to a busier engine house.

The previous Administrative Secretary would meet Mr. Calhoun on weekends to sign board minutes. She would frequently share concerns with Mr. Calhoun that would later manifest in board meetings. I suggested leaving the minutes in the director's mail box in the Chiefs office so they can be retrieved at his leisure, as he routinely does. I maintain that the only time that an Administrative Assistant be contact on a weekend or after hours to meet any Director would be in extreme or emergency circumstances.

On a separate occasion after returning to the engine house and asking Battalion Chief Torminio if he had given the admin assistants permission to close the office early? Battalion Chief Torminio replied that Mr. Calhoun told them they could leave early. While battalion Chief and I had no issue with the Board of Director extending this courtesy, we both felt that as a courtesy to the Chief Officers that we would've been informed prior to making that decision.

During several conversations with our broker which handles property and casualty, health insurance and other services to discuss renewal and rates, several issues of concern were expressed by the broker pertaining to the personal phone calls to different managers and specific request made by Director Calhoun.

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Several parties have expressed a concern of feeling pressured to make exceptions on Mr. Calhoun's behalf and stated that they were made to feel that the account was in jeopardy if they did not appease him. Alleged that Mr. Calhoun made several comparisons to our previous broker.

Please see the attached document dated June 28, 2016 from Kevin Cunneen to Judy Coleman and signed by me approving one such exception after repeated request and inquiries by Director Calhoun. Several managers have indicated that they have agreed in house to only communicate with him by email so that there's no confusion during communications as to what has been stated or explained. In addition to allegations of personal request to attend sporting events were also made.

Gentlemen I must implore you as Chairman and Treasurer of the Board that you guide and assist Board Secretary David Calhoun in his understanding of procedures, conduct and professionalism in dealing with the public, vendors and employees of the Black Jack Fire Protection District.

I appreciate your time and attention to this matter, and I hope that we can reach a conducive resolution that assures the continued success and progress of this organization.

Respectfully



Ankeneth Corbin
Fire Chief

cc: Daniel Bruntrager
District Counsel

BLACK JACK FIRE 000044

KEN CORBIN

vs.

CASE NO. 4:23-cv-00516-JAR

**BLACK JACK FIRE PROTECTION DISTRICT AND DAVID
CALHOUN, IN HIS INDIVIDUAL CAPACITY**

DEPOSITION OF ORLANDO SMITH

Taken February 26, 2024

CONFIDENTIAL TRANSCRIPT

REPORTED BY KELLY L. GUILLIAMS, CCR

WROCKLAGE REPORTING, LLC

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Washington, MO 63090

(314) 249-4376 or (314) 210-6917

EXHIBIT 5

ORLANDO SMITH - 2/26/2024

1 A Yes.

2 Q And when are you up again for election or
3 reappointment?

4 A I believe it will be next year.

5 Q Do you know which month?

6 A April.

7 Q So do you think you probably started in
8 April of '19?

9 A That sounds about right. Either '18 or
10 '19, one or the other. It's a six-year term, so...

11 Q Gotcha. And were you elected?

12 A Yes.

13 Q And what made you start -- you know, what
14 was -- what made you decide to run for the board in
15 Black Jack?

16 A A friend of mine named Sylvester Taylor.

17 Q Okay. He thought you might be a good fit
18 for it?

19 A Yes.

20 Q And Sylvester Taylor, is he employed by
21 Black Jack?

22 A No.

23 Q Was he just a citizen?

24 A Yes.

25 Q And did you run against someone?

ORLANDO SMITH - 2/26/2024

1 2021 at a board meeting; correct?

2 A Yes.

3 Q Do you remember that meeting?

4 A Yes, I believe so. There was a lot of
5 meetings that --

6 Q Sure.

7 A -- those two would get into it.

8 Q So it was not uncommon for them to have
9 arguments at board meetings?

10 A Yeah, it was uncommon, but they would get
11 into it, not every single time --

12 Q Sure.

13 A -- but, you know, yeah.

14 Q Okay. And fair to say that Mr. Calhoun
15 and Mr. Corbin didn't get along very well?

16 A It appeared.

17 Q And did it seem to you that Mr. Calhoun
18 didn't like Mr. Corbin very much?

19 MR. ALLEN: Objection, form. You can
20 answer.

21 A I don't know about Mr. Calhoun.

22 Q (By Mr. Hackney) And I mean Mr. Calhoun,
23 did he ever -- did he ever complain to you about
24 Chief Corbin?

25 A Yes.

ORLANDO SMITH - 2/26/2024

1 Q What complaints do you remember
2 Mr. Calhoun making to you about Chief Corbin?

3 A That he was never at work.

4 Q And how often would that happen?

5 A I don't know.

6 Q Any other complaints you remember?

7 A That was probably the only primary one.

8 Q And did you talk with Mr. Calhoun about
9 your testimony today at all?

10 A No.

11 Q Did you talk to Mr. Schmalbeck about your
12 testimony at all?

13 A Uh-uh. About testifying today?

14 Q Today, yeah.

15 A Yeah. Probably with my phone's broke, so
16 I didn't get a chance to do anything.

17 Q So you did not have a conversation with
18 Mr. Schmalbeck?

19 A No. I haven't talked to Mr. Schmalbeck,
20 not -- not since Friday, and other than that, I
21 hadn't talked to him at all.

22 Q But you didn't talk about this case on
23 Friday?

24 A No, we didn't talk about the case.

25 Q Okay. Besides your -- besides your

ORLANDO SMITH - 2/26/2024

1 taking photos of images?

2 A No.

3 Q But he did appear to be rifling through
4 papers from what you saw?

5 A From what I saw.

6 Q Sure. And did you tell Ken that you would
7 do something about this, that you would talk to
8 David or --

9 A No, no.

10 Q You just expressed surprise and that was
11 pretty much the end of the conversation?

12 A Yeah. Well, no. Yes and no. So, yeah, I
13 was surprised, like "Wow, okay."

14 Q And then what else was said?

15 A Well, then he's like "I got this," and he
16 showed -- he had an audio tape of them getting into
17 an argument, then getting into arguments, and it was
18 like he was like having a culmination of things, you
19 know, so he had like a -- I guess a recording of
20 them getting into it.

21 Q And that recording, do you remember if
22 they talked about the issue about -- about David
23 Calhoun trying to buy that car, was that on that
24 recording?

25 A I don't know. Yeah, I don't know, it was

ORLANDO SMITH - 2/26/2024

1 just -- like I said, again, they were going back and
2 forth all the time.

3 Q And when did you go to Barbados?

4 A So I wound up going in January, but we
5 were supposed to go, I asked my wife, I think it was
6 like in August, late August, something like that.

7 Q So this conversation would have been like
8 mid to late August of 2022; is that right?

9 A Yeah, probably a couple weeks -- yeah, mid
10 to late August I believe.

11 Q And did you -- did you report what Ken had
12 shown you to the other board members?

13 A No.

14 Q Why not?

15 A Because I wanted to stay out of their -- I
16 wanted to stay out of their business, because they
17 would go -- they would be fighting back and forth
18 with each other, back and forth, and I didn't want
19 to get involved with that.

20 Q Sure. It didn't seem your place to step
21 into that circumstance; correct?

22 A Correct.

23 Q And you certainly didn't think that there
24 was anything that called for, "Oh, we need to
25 discipline Chief Corbin for this;" correct?

ORLANDO SMITH - 2/26/2024

1 his paperwork. And we was -- Mr. Calhoun asked him
2 to pick up -- to take all his stuff with you while
3 we have our closed session.

4 One of -- the shop steward was going to
5 grab it and then realized there was a recording
6 device in there. He said, "I'm not touching it, he
7 has to come back and get it." And at that point, he
8 came back and got it.

9 Q The device, was it on or do you know?

10 A I have no -- I don't even know. I don't
11 know. I just know what happened there.

12 Q Why was Ken Corbin fired?

13 A I guess the easiest way to say is he
14 didn't do what was instructed of him to do, which
15 was to turn in all the equipment that he had.

16 Q Anything else?

17 A No other reason. We gave Mr. --
18 Mr. Corbin ample opportunities to do this right.
19 Nobody wanted to fire him.

20 Q Did he ever tell you that he had turned
21 over everything?

22 A No, I didn't have any other conversations
23 with him.

24 Q But you were -- you were one of the
25 decision makers to fire Ken Corbin; correct?

ORLANDO SMITH - 2/26/2024

1 A I think he said it was turned in. He took
2 pictures of everything he turned -- well, I believe
3 he took pictures, and that wasn't with it.

4 Q And of the three board members, was one of
5 you more of a driver of this termination than the
6 others; in other words, were you all equally
7 enthusiastic about it?

8 MR. ALLEN: I'll object to the form of
9 that question. Answer if you can.

10 A I don't think anybody was enthusiastic
11 about it. You know, it was horrible, it was
12 horrible. You know, nobody wants to fire a person,
13 at least I don't.

14 Q (By Mr. Hackney) Was there ever any
15 discussion of, "Well, can we give Ken a warning"?

16 A Well, we gave him the warning with pay.
17 That was the warning. Then we asked him to get rid
18 of that -- "Whatever you got, get rid of it, and
19 we're going to suspend you with pay." And he
20 elected not to. That's -- that's not on us.

21 Q Did you ever tell anyone that it was --

22 A And now I want to -- to think more about
23 this now, he got -- did you ask me why he was
24 suspended or terminated?

25 Q Well, I think I've asked both.

ORLANDO SMITH - 2/26/2024

1 A So he got terminated for the -- for those
2 recording devices that he still had in -- in the
3 same place when we had asked him before to remove
4 everything he had in his possession.

5 Q So prior to his termination, you're saying
6 that Ken was told, "Remove the camera from your
7 office;" correct?

8 A "Remove whatever recording, camera, video,
9 whatever your devices you had, remove them from your
10 office, and we're going to suspend you with pay."

11 Q Well, if he was suspended, was he allowed
12 to go into the facility?

13 A No.

14 Q Well, then how could he remove equipment?

15 A He had 24 hours to get all his stuff out.

16 Q How was that communicated to him?

17 A It was a letter.

18 Q There's a letter that says, "You have
19 24 hours to get your stuff out"?

20 A Yes.

21 Q So what devices did Ken have, recording
22 devices, in his office?

23 MR. ALLEN: Objection, form, calls for
24 speculation. Answer if you know.

25 A I know I just recall the pictures are the

ORLANDO SMITH - 2/26/2024

1 Q (By Mr. Hackney) And David Calhoun was
2 less reluctant than you were; correct?

3 MR. ALLEN: Objection, form, calls for
4 speculation. Answer if you can.

5 A He was the first to sign.

6 Q (By Mr. Hackney) So is that a -- is that a
7 yes?

8 MR. ALLEN: No, it's not. He answered
9 your question.

10 MR. HACKNEY: Well, I don't think he did.
11 He said he was the first to sign.

12 Q (By Mr. Hackney) Was he more enthusiastic
13 than you?

14 MR. ALLEN: And that calls for
15 speculation. Answer if you can.

16 Q (By Mr. Hackney) Did you observe that he
17 seemed to be more enthusiastic than you?

18 MR. ALLEN: I think he also testified
19 earlier nobody was enthusiastic, so I would say this
20 is also asked and answered. Subject to that, you
21 can answer again.

22 A Nobody wanted to fire him.

23 Q (By Mr. Hackney) If no one wanted to fire
24 him, why was he fired?

25 A Because he didn't follow the instructions.

ORLANDO SMITH - 2/26/2024

WITNESS SIGNATURE PAGE

I, ORLANDO SMITH, hereby acknowledge that I have read the foregoing transcript of my deposition testimony, given on the 26th day of February, 2024, by affixing my signature hereto.

ORLANDO SMITH

Subscribed and sworn to before me this _____ day of _____, A.D., 2024.

MY COMMISSION EXPIRES: _____

Notary Public, within and for the State of Missouri

CONFIDENTIAL

RESOLUTION NO 20-02

WHEREAS, the Black Jack Fire Protection District of St. Louis County, is a political subdivision in the State of Missouri, duly incorporated according to the provisions of Chapter 321 R. S. Mo.; and

This Resolution replaces Resolution 17-02 for the Fire Chief, only.

WHEREAS, the Board of Directors of the Black Jack Fire Protection District desires to revise the present wage salary and benefits for the Fire Chief; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE BLACK JACK FIRE PROTECTION DISTRICT AS FOLLOWS:

1. Salaries for the Fire Chief beginning with the First Pay Period of each Calendar Year (CY):
 - a. CY 2019 - \$150,000.00 per year paid in bi-weekly payments of \$5,769.23.
 - b. CY 2020 - \$155,000.00 per year paid in bi-weekly payments of \$5,961.54.
 - c. CY 2021 - \$160,000.00 per year paid in bi-weekly payments of \$6,153.85.
 - d. CY 2022 - \$165,000.00 per year paid in bi-weekly payments of \$6,346.15.
 - e. CY 2023 - \$170,000.00 per year paid in bi-weekly payments of \$6,538.46.
2. The Vacation Leave Benefit, which does not carry over to any future years will be:
 - a. 30 days of vacation per calendar year, effective on January 1 of each CY.
 - b. Vacation based upon the previous CY service may be taken at any time during the current CY with the consideration for operational

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requirements. The Fire Chief and Assistant Chief shall strive not to be on vacation simultaneously.

3. The Sick Day Benefit will be:

a. The Fire Chief will be granted sick leave due to illness or injury to the Employee, their spouse or children. A doctor's certificate is required for two (2) or more days of absence. Sick Leave will be earned on the basis of two (2) workdays for each month of service.

b. Sick Leave may be accumulated to two hundred eighty (280) workdays.

4. Uniform Allowance will be granted:

a. The Fire Chief will receive a Uniform Allowance of \$600.00 annually. Purchase Procedures established by the Uniform Committee and approved by the Board of Directors is applicable.

b. These accounts will be maintained by the department administration.

+Health, Dental, and Eye will be provided in accordance with the current Collective Bargaining Agreement, except that this Benefit is paid fully by the District on behalf of the Fire Chief

5. Sick Leave Incentive, 12 Holidays & pay, Maternity/Paternity Leave, Funeral Leave, Court Leave, Personal Leave Days, Medical Examinations, Life Insurance and AD&D, Employee Assistance Program, Disability Insurance, Alcohol and Drug Policy, Deferred Compensation Plan (457 Plan), Discipline, Educational Benefit, Training (with approval by the District Board of Directors), Re-Licensure, Working Conditions, Pension Plan and Sick Leave/Vacation Buyback shall be as provided by the current Collective Bargaining Agreement.

6. The Fire Chief may have representation and/or legal counsel, provided by said employee and at their expense, be present at any meeting between said employee and the District and/or its representative, pertaining to discharge, suspension or disciplinary actions, promotion or demotion or at any time the Employee perceives third party representation is warranted.

7. The preceding Pay and Benefits will be in effective with the first (1st) Pay Period of 2019.

BLACK JACK FIRE 000711

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8. Job Description of the Fire Chief is the Chief Operating Officer of the Black Jack Fire Protection District. His duties and responsibilities are as follows:
- a. Responsible for the proper response to all emergency and/or other calls for assistance by the citizens of the Black Jack Fire Protection District.
 - b. Direct and manage the overall administration and operation of the District.
 - c. Overall management of the fixed assets of the District, including buildings, equipment and apparatus.
 - d. Maintain positive community relations and provide a safe environment for the community through fire prevention, code enforcement, education, suppression, investigation, rescue, EMS and mitigation of hazardous materials incidents.
 - e. Represent District at various functions and in various organizations.
 - f. Responsible for management of all employees (staff, firefighters, explorers).
 - g. Input to disciplinary actions, terminations, promotions, hiring, etc.
 - h. Counsel employees as needed.
 - i. Educate and inform the public through community relations and speaking engagements.
 - j. Respond to emergency situations and function within the Incident Command System.
 - k. Develop policies and standard operating procedures for emergency and routine situations.
 - l. Attend and conduct training as necessary to enhance the professional development of all members of the District.
 - m. At times may be exposed to various elements of nature and hostile environments, either man-made (such as civil unrest) or natural.
 - n. Maintain a working knowledge of the District's Standard Operating Procedures (SOPs).
 - o. Responsible for all equipment issued to them by the District.

BLACK JACK FIRE 000712

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- p. Responsible to always present a professional appearance and attitude when representing the District.
 - q. Agrees to work in a Labor Management style system.
 - r. The Fire Chief, Ankeneth Corbin, shall serve under the jurisdiction of the Board of Directors of the Black Jack Fire Protection District; and shall make regular and ad hoc reports as appropriate to and/or as directed to the Board of Directors.
10. Other Benefits. The Fire Chief shall be the beneficiary of all other usual and customary benefits, benefit plans and programs, as may be from time to time generally available to other District command rank and staff employees, provided the Fire Chief meets all necessary and appropriate qualifying events.

IN WITNESS WHEREOF, this Resolution has been duly passed and unanimously approved by the Board of Directors of the Black Jack Fire Protection District this 14th day of January, 2020.

THIS RESOLUTION PASSED AND APPROVED THIS 14th DAY OF January, 2020.

ROLL CALL VOTE: Director Calhoun, aye, Director Schmalbeck, aye, and Director Smith, aye.

STATE OF MISSOURI
COUNTY OF ST. LOUIS

I, Orlanda Smith, Secretary of the Board of Directors of Black Jack Fire Protection District of St. Louis County, Missouri, do hereby certify that the foregoing pages constitute a true and correct copy of Resolution 20-02 as adopted by the Board of Directors of the Black Jack Fire Protection District of St. Louis County, Missouri on the 14th day of January, 2020, as fully same appears of record.

BLACK JACK FIRE 000713


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IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said District this 14th day of January, 2020.


David Calhoun, Chairman


Orlanda Smith, Director


Orlanda Smith, Secretary


Kenneth G. Schmalbeck, Director

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BLACK JACK FIRE PROTECTION DISTRICT

Board of Directors

David Calhoun, *President*
Orlando Smith, *Secretary*
Kenneth G. Schmalbeck, *Treasurer*

Fire Chief

Ankeneth Corbin
Assistant Fire Chief
Roger A. Ellison

Battalion Chiefs

David P. Schmidt
Thomas Torminio
David J. Parker

CEASE AND DESIST TO CHIEF ANKENETH "KEN" CORBIN AND ORDER TO RETURN PROPERTY AND ADMINISTRATIVE SUSPENSION WITH PAY

The Board of Directors hereby orders you to cease and desist from any further recording, intercepting, or endeavor to intercept, oral communications or capturing images and/or videos without the prior consent to such interception of an audio communication or images of other parties. You may not utilize any active or passive devices to record any communications in connection with the District or capture any images in connection with the District.

Further, the Board orders you to immediately turn over all District property in your possession including, but not limited to, the District cell phone or phones in your possession, any District laptop in your possession, or any other electronic device in your possession owned by the District. Until the electronic devices mentioned above are returned to the possession of the District, you are ordered not to, in any way, delete, alter, modify, or erase any stored material or any other materials on any device. You are not to tamper with or change anything on these devices. You are to return this property immediately as noted above, but in any event not less than twenty-four (24) hours from your receipt of this order from the Board of Directors. You should also turn over possession of the District vehicle you use.

The District will designate to you to whom to return the District Property. During this administrative suspension (with pay), you are not to enter or remain on any District Property or District houses until further notice. This Administrative suspension shall remain in full force and effect until the Board, in its sole discretion, shall take other actions in connection with your employment.

EXHIBIT 10

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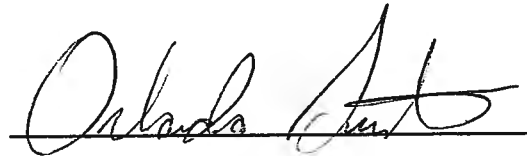
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This order to you was voted on unanimously by the Board of Directors on December 27, 2022.

BY:

A handwritten signature in black ink, appearing to read "David Calhoun", written over a horizontal line.

David Calhoun, Chairman

A handwritten signature in black ink, appearing to read "Orlanda Smith", written over a horizontal line.

Orlanda Smith, Secretary

A handwritten signature in black ink, appearing to read "Kenneth Schmalbeck", written over a horizontal line.

Kenneth Schmalbeck, Treasurer

BLACK JACK FIRE 000653

To: Mr. Daniel Bruntrager

From: Metro One Investigations Inc.

Date: January 2, 2023

RE: BlackJack Fire Protection District
5675 US Highway 67
St. Louis, Missouri

This report contains the search and test performed, together with the results of the Technical Surveillance Countermeasure (TSCM) investigation conducted at the BlackJack Fire District facility located at 5675 US Highway 67, St. Louis, Missouri.

December 29, 2022 a Spectral Analysis of frequencies in the range of 0MHZ to 9 GHZ were conducted at the BlackJack Fire District facility to establish an electronic floor base. The Spectral Analysis base was utilized and compared with the Spectral Analysis conducted the following day, December 30, 2023.

No discrepancies were noted in the Spectral Analysis.

December 29, 2022 an Infrared probed was conducted on the facility to detect any type of transmission utilizing light beams such as lasers for audio or data transmissions.

Negative results.

December 30, 2022 the TSCM were centered on three areas, The Chief's Office, The Board Room and the Training Room.

Physical inspections were conducted in all three rooms. The inspection included all furniture, appliances, desk top items, desk drawers, cabinets, electrical outlets, switches, overhead space and closet.

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Location: Chief's Office.

Two items were found, photographed and seized.

On top of cabinet behind a photograph.

1: Olympus WS-852 Digital voice recorder with a micro SD card.

Chief's Office

On top of cabinet behind a cup.

2: A miniature black camera with microphone.

Chief's Office

Cabinet drawer.

Empty box for a Olympus WS Digital voice recorder (#1).

Two small light colored plastic devices with magnets were found, Security Control Transmitters, Fire and Security. The two items were photographed.

Multiple thumb drivers were noted. None were noted to be recording devices.

Multiple cell phones were noted.

Location: Board Room

Nothing was noted as a result of the inspection.

Location: Training Room

Nothing was noted as a result of the inspection.

Spectral Analyses were conducted on all three locations, the results were compared to the previously established floor base and repeated in each room with **no discrepancies noted.**

Camera probes were conducted in all three rooms. The only suspicious camera noted was Item# 2 found in the Chief's Office.

BLACK JACK FIRE 001296

Carrier Current probe was conducted. This probe was conducted to determine if any hard wire line; a/c or telephone; weather in use or not (i.e.) turned off) was being utilized to transmit audio or video signals.

No discrepancies were noted.

An inspection of the Wi-Fi and IT Networks were conducted by Feather Shark LLC Network and determined the systems had no unauthorized devices connected. All devices were accountable to the Blackjack fire District.

Mr. Daniel Bruntrager the attorney for the Blackjack Fire District was contacted and apprised of the TSCM results. Mr. Bruntrager requested the small black camera and the voice recorder be seized.

The items were seized, photographed, packaged and will surrendered to Mr. Bruntrager

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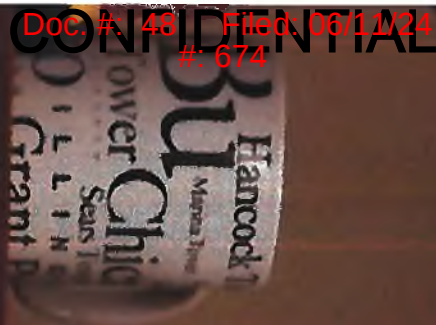
BLACK JACK FIRE 001298



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BLACK JACK FIRE 001302



BLACK JACK FIRE 001303

CONFIDENTIAL
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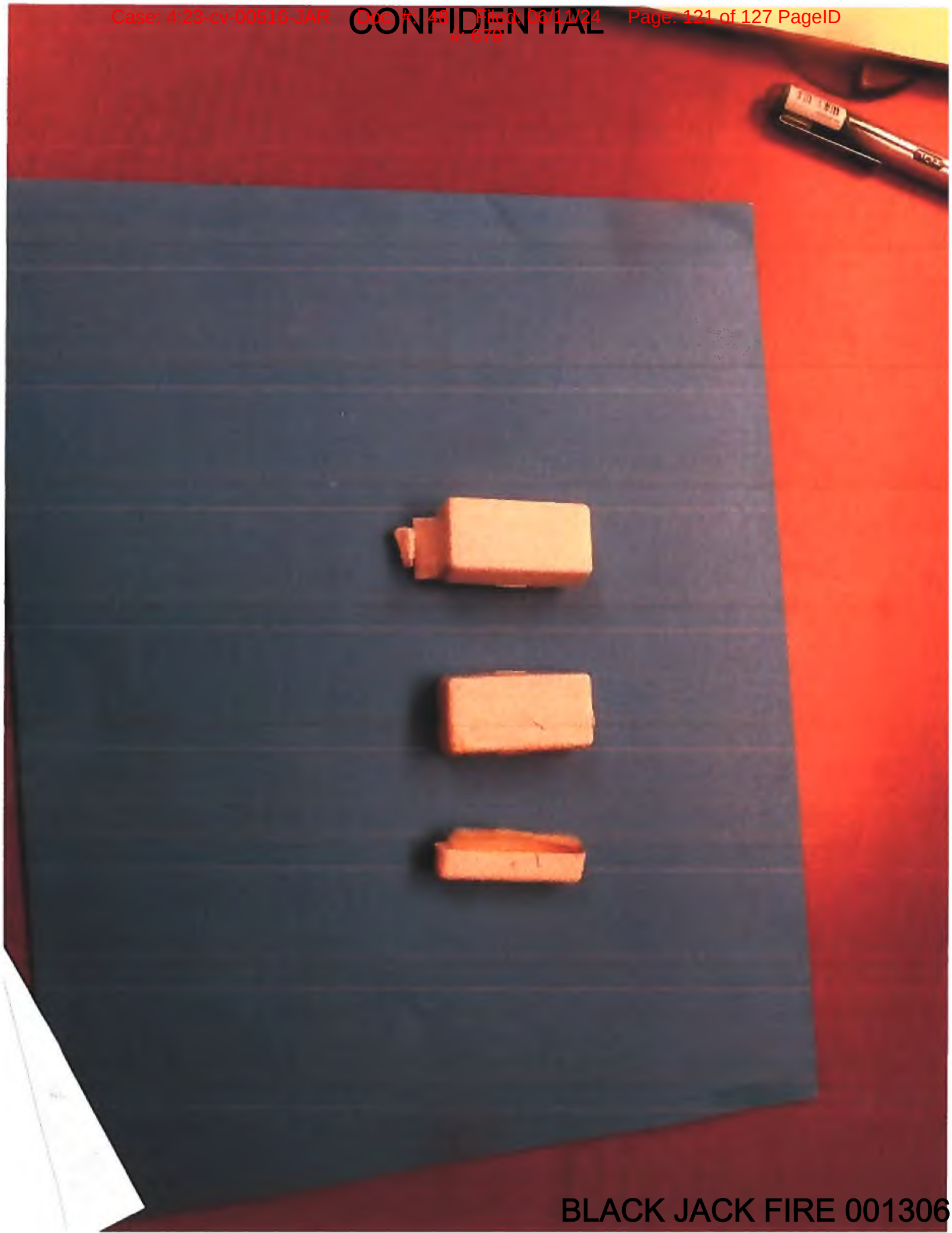
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BLACK JACK FIRE 001305

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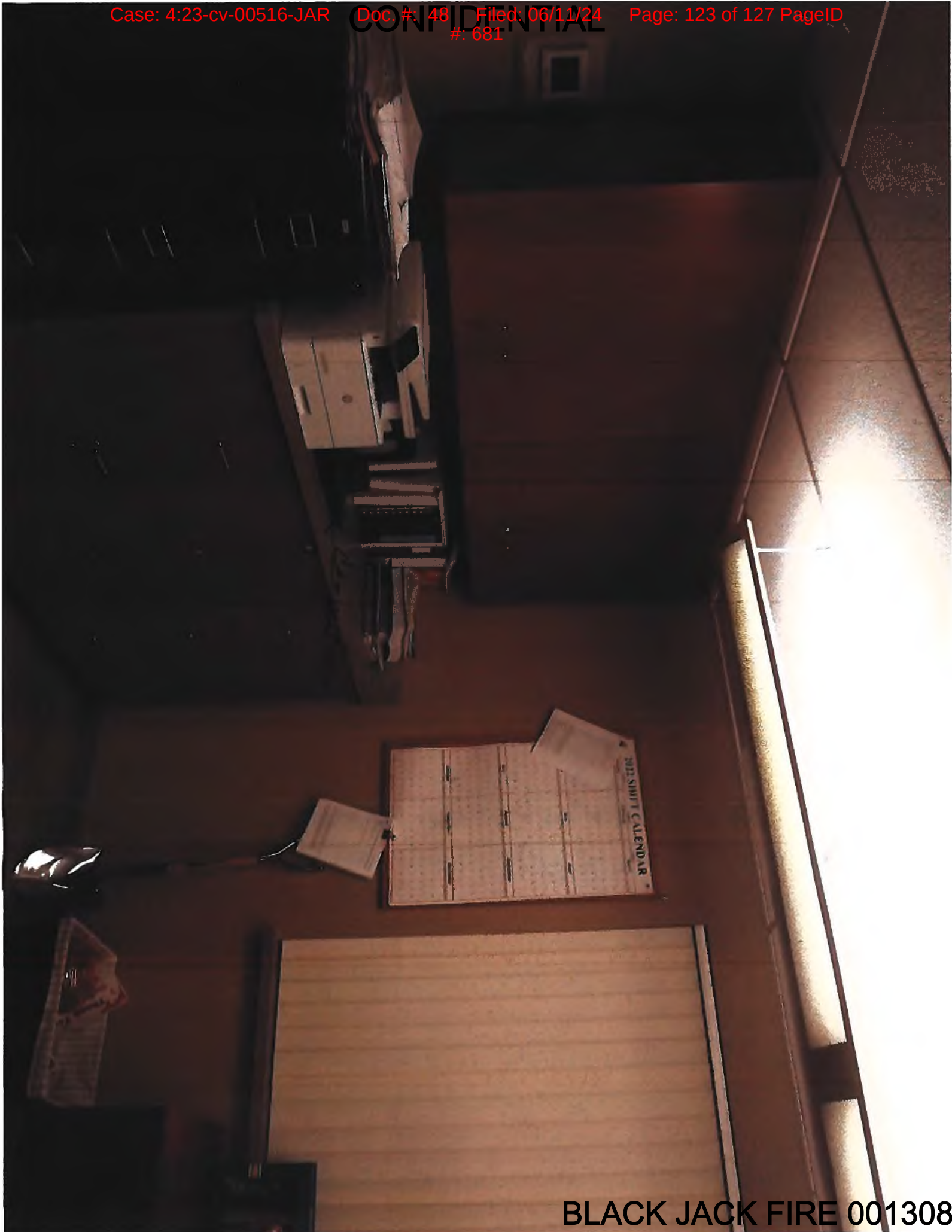


BLACK JACK FIRE 001306

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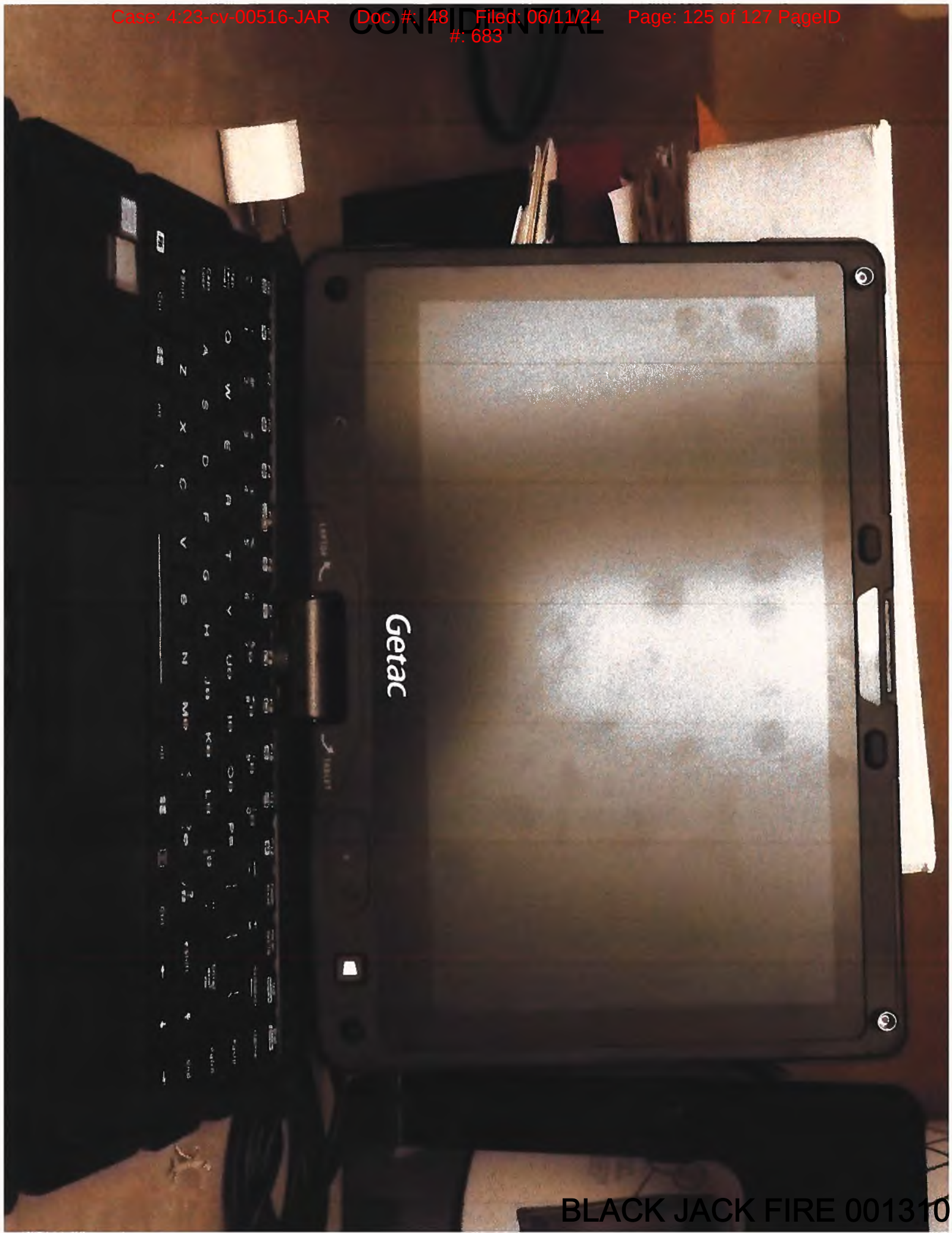
BLACK JACK FIRE 001308

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BLACK JACK FIRE 001309

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BLACK JACK FIRE 001310

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BLACK JACK FIRE PROTECTION DISTRICT

5675 North Highway 67
Florissant, Missouri 63034
(314) 741-9905

BOARD OF DIRECTORS

David Calhoun, *President*
Orlando Smith, *Secretary*
Kenneth G. Schmalbeck, *Treasurer*



FIRE CHIEF

Ken Corbin

ASSISSANT CHIEF

Roger A. Ellison

BATTALION CHIEFS

David Parker
David Schmidt
Michael Brock

December 18, 2023

Mr. Ankeneth Corbin



RE: Ankeneth Corbin Termination

Dear Mr. Corbin:

The Board has met in its executive session on January 17, 2023 regarding those issues of your employment. You will recall on December 27, 2022 you were hand-delivered a document which required, amongst other tings, you to return certain property belonging to the District you had received during your employment. In addition, your attorney, Jeff Hackney, received a letter on January 4, 2023 regarding your medical status and asking that you provide responses to question asked regarding your return to work by 5:00 PM on January 17, 2023.

The Board of Directors of the Black Jack Fire Protection District have determined that you have not returned all the property that you have received during your employment. It is the Board's further understanding that a District device you previously received is still being utilized. Also, there has been no response to the January 4, 2023 letter sent to your attorney regarding your return to work.

The Board also considered at the executive session that you, without consent of the Board of Directors and without knowledge of at least some of the employees of the District utilized electronic surveillance in and around the District during the course of your employment. You admitted this to the Board of Directors at aboard meeting on December 6, 2022. The Board also considered that there had been other instances of oral reprimand to you by the Board of Directors over the course of employment.

The Board has determined that for the efficient management of the District and its men and women employed there, to separate your service and terminate you from your employment with the District. The Board has determined, because of the instances of insubordination and neglect of duties noted above, that you cannot effectively perform your duties as Chief and you have lost the confidence of the entire Board. This termination is effective immediately. All benefits you have accrued will of course be paid after consultation with the District's retirement benefits attorney.

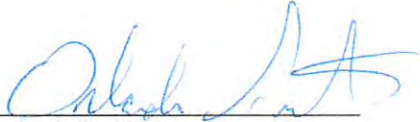
EXHIBIT 12

BLACK JACK FIRE 000573

CONFIDENTIAL

Page 2 of 2

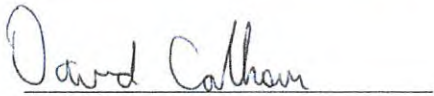
You will also be provided COBRA coverage, should you so elect this coverage. The Board of Directors regrets this decision, however, in order to effectively manage the District's operations for the future, this termination of your duties as Chief and your employment is necessary.



Orlanda Smith



Kenenth Schmalbeck



David Calhoun

BLACK JACK FIRE 000574